AN APOLOGIE OF IOHN EARLE OF BRISTOL.

CONSISTING OF TVVO TRACTS.

IN THE FIRST,

He ſetteth dovvne thoſe Motives and Tyes of *Religion*, *Oaths*, *Lavvves*, *Loyalty*, and *Gratitude*, vvhich obliged him *to adhere unto the King* in the late unhappy VVars in *England*.

IN THE SECOND;

He vindicateth his Honour and Innocency from having in any kind deſerved that *injurious* and *mercileſſe* Cenſure, of being *excepted from Pardon or Mercy* either in *Life* or *Fortunes*.

CAEN;
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TO THE

COVNTESSE OF BRISTOL

MY BELOVED VVIFE.

HAVING by the ſpace of allmoſt forty years lived comfortably together, and God having been pleaſed to give us Children and a Poſterity, to vvhom (inſtead of Plenty vvhich they might have expected I might have left vnto them) I am novv like to leave nothing but the ſame vvant and poverty vvhich is allready befalne my ſelfe. I have ſent vnto you and them the beſt Legacy that I can thinke of, to leave amongſt you, vvhich is a Diſcourſe conſiſting of tvvo Parts. In the firſt, the Motives of *Honour*, *Loyalty*, and *Religion* are ſet dovvne, vvhich *deterred* my Conſcience from *taking Armes againſt the King*: In the ſecond, I indeavour a Vindication of my *Honour* and *Innocency* from that *ſevvere* and *injurious* Sentence *of Exception* of the Houſes, vvhereby they have declared me a Delinquent that muſt not expect *Pardon* or *Mercy* either in point of *Fortune*, or of *Life*, vvhich muſt of neceſſity inſinuate me unto the VVorld, and unto Poſterity, to have been a Malefactor of a *more high* and *horrid* Nature then the Generality of thoſe that have ſerved the King in this VVar.

I vviſh you and they may have as much Comfort in the reading of it, as I have had in the vvriting of it, vvhich I beleeve to have been greater (notvvithſtanding my *Baniſhment* and *VVant* in my old Age) then hath remained in the Breaſt of any of thoſe that have made us ſo miſerable.

Allthough you may communicate it vvith your Children and Family, and near Freinds; yet I vvould not have it generally divulged,

divulged, or made publique, for allthough it cometh to you in Print, That is only becauſe I vvanted the meanes of tranſcribing it, and I found here a great Conveniency of Printing it; And it is not the more divulged thereby, for that there is not any one Coppy thereof, but ſuch as remain in my hands; And this unto you is the only one that I have yet parted vvith.

The laſt Requeſt you made unto me vvith Tears vvhen I departed from you, and left the Kingdome, vvas, That I vvould ſet dovvne in vvriting mine ovvne Proceeding, and the unavoydableneſſe and Iuſtifiableneſſe of the Cauſe, for vvhich vve have ſuffered, and vvhereof I had ſo often diſcourſed unto you. And truly ſuch hath been in all kindes your great Deſerving from me, That I have taken this Paines cheifly for your Satisfaction, as I ſhould do much more in any thing that I ſhould judge might be to your Comfort, and that might remain as a Teſtimony of my Kindneſſe, Affection, and Value of you.

BRISTOL.

Caën in Normandy
April 8.
1647.

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CHAP. I.

THE INTRODVCTION AND MOTIVES OF vvriting this Diſcourſe.

I NEVER more unvvillingly tooke pen in hand then at preſent to ſett dovvne the ſubſequent Diſcourſe, for mine ovvne Vindication againſt ſo many unjuſt and untrue aſperſions as have bin caſt upon me, and ſo great ſeverities as have bin uſed tovvards me. For it vvas in my hopes that rather ſome publique and legall Tryall ſhould have given me the meanes of clearing my ſelfe to the vvorld, then my pen. Neither could I but in reaſon expect, that vvhether by Treaty, or by force, this unnaturall vvarre ſhould be extinguiſhed, ſuch only as had bin accuſed of illegall oppreſſions, or ſuch as had bin the Inventors to ſett on foote, or the Inſtruments to act thoſe things vvhich vvere the cauſes of thoſe unhappy miſunderſtandings and diviſions betvvixt the King and the People, ſhould have bin reſerved to the higheſt and ſevereſt puniſhments: But that others, vvho neither vvere nor could be, charged vvith any other Crime, but theire adherence to either partie, according as they vvere guided by theire Conſciences, might (after ſome ſuch moderate ſuffrings as the leſſe ſucceſſefull partie are uſually liable unto, or after ſome legall Triall) have bin admitted to an Act of Oblivion vvhereby thoſe generall animoſities vvhich this VVarre hath raiſed might have bin allayed, and by little and little have grovvne to be forgotten, and thoſe naturall and neare relations betvvixt man and vvife, parents and children, freind and freind, vvhich this VVarre by difference in opinion & part-taking hath

deſtroyed, might (together vvith the peace of the Kingdome) have bin reſtored.

And in expectation of ſome ſuch happy accord, or ſome moderate reducement vvhen that all mens Caſes might have bin calmely conſidered of, and that the great Succeſſes of the Houſes in theire vvarre vvould have bin ſeconded by theire Acts of the greater and clearer Iuſtice, And that ſuch as had made theire humble addreſſes vnto them, ſhould haue bin admitted to the meanes of informing them, and not to be cenſured or condemned vnheard, eſpecially ſuch as Petitioned for, and ſubmitted to the Iuſtice of the Kingdome.

Vpon this hope and expectation I paſſed by more then tvventy printed aſperſions, full of infamy, bitterneſſe and detraction, but void of all Truth. Theſe I neglected, although I ſavv the operation they had of raiſing a hatred and deteſtation in the People, vvho fetched theire Intelligence from them, and grounded theire opinions of prejudice vpon them.

But that vvhich I vvas farre from neglecting, but lay'd to my heart, vvith great ſadneſſe and greife of mind, vvas, The ſevere Cenſures of the Houſes in theire Propoſitions to the King att *Oxford*, vvhen (vvithout Summons, Hearing, or Conviction) I vvas cenſured to be made incapable of holding any place or imployment in the Kingdome, or to come vvithin the Verge of the Court, vvithout laying the leaſt Crime or Delinquencie to my Charge; And ſince in the Propoſitions att *Vxbridge* (theire ſeverity increaſing tovvards me) they added much to theire former Cenſure; I am ſure vvithout any further Crime or Provocation on my part, having before that time (vvith the Kings leave) retired my ſelfe from the Court vvith intention to have paſſed the reſt of mine age in a priuate life, vvhich (the VVarre not permitting me to doe att my Houſe att *Sherborne*) I did att *Exeter*, for the ſpace of more then tvvo yeares, vvith as much privacie, as vvas poſſible for me. Yet vvas I ſo unfortunate, that (allthough theire former deſires of my being removed from Court vvere accompliſhed by my voluntary Act) neither time did allay theire diſpleaſure, nor my abſence from Court reſtraine

theire

theire further ſeveritie tovvards me. But I vvas voted in thoſe Propoſitions prepared to be offered to his *Majeſty*, and aftervvards ſent unto him, to be in the number of the moſt high and capitall Offenders vvho vvere not to expect Pardon or Mercy either concerning Life or Fortune.

Yet heerevvith vvas not my Patience and reſolution of Silence overborne, conceaving this *Exception* could ſignifie nothing more then that ſuch Excepted Perſons, upon vvhom the diſpleaſure of the Houſes vvas highly fallen, ſhould not be admitted to that generall Pardon of Courſe, vvhich joyned to ſome *pecuniary Mulct* or *Compoſition*, ſhould be a Diſcharge and indempnitie to others that had borne Armes, vvithout further Tryall or Impeachment, But that the Excepted Perſons ſhould be reſerved to a particular ſtrict Legall Tryall, and being after a faire hearing legally Convicted of thoſe preſuppoſed haynous and foule Crimes (the ſuggeſtions vvhereof induced the Houſes to lay this heavy marke of Diſtinction upon them) They being ſo condemned ſhould have the ſeverity of Lavv and Iuſtice to paſſe upon them, and be excepted from Pardon, as farre as lay in the houſes to except them. But I did not conceaue that the intention of the Houſes vvas or could be, to except them from a legall Tryall, or faire Hearing, nor from being acquitted or cleared if they vvere innocent. For noe man could entertaine ſo hard or prejudiced an opinion of the tvvo Houſes, or of the Scottiſh Commiſſioners vvho concurred and aſſented to the Propoſitions and the Exception, that they ſhould upon the transferring of ſuch Perſons as the Houſe of Peeres ſhould nominate of theire Body or the Houſe of Commons of theire Members, or of the Body of the Commons, or the Scottiſh Commiſſioners of theire Kingdome, condemne implicitely, or PROSCRIBE (in compliance one to the other, vvithout diſtinct knovvledge of the Perſon or the Crimes) ſo many noble Perſonages and Families to totall ruyne and deſtruction, vvithout Hearing or due proceſſe of Lavv.

Beſides theire demanding of the Kings aſſent to paſſe theire Condemnations and Incapacities by Act of Parliament, muſt needs

needs imply a due preceding Tryall and Conviction to be intended for the ſatisfying of the King of the Crimes and guilt of the Perſons: For it cannot be preſuppoſed of the Houſes, that (either in regard of pietie or reaſon) they could expect, that the King ſhould involue himſelfe in ſo mercileſſe a ſentence of ſhedding ſo many mens bloud, and deſtroying ſo many good Families (implicitely upon truſt of other men) vvithout diſtinct information and ſatisfaction of his ovvne Conſcience, And this, againſt Perſons vvho have bin moſt Loyall, and theire Crime and Delinquencie only for having faithfully adhered to him, according to the Lavv and theire Oaths.

So that my Opinion then vvas, That the intention of the Houſes could be no other, but that vvhereas ſome vvere admitted to a pecuniary Compoſition for theire pretended Delinquency, the *Excepted Perſons* ſhould not be admitted thereunto, but be reſerved to the ſeverity of Iuſtice vvithout mercy, but firſt be admitted to a legall Tryall.

And herein I vvas further confirmed by divers Treaties made vvith theire Generall upon the laying dovvne of Armes, and the ſurrrendring of Citties unto them, And particularly of *Exceſter*, vvhere I vvas, and vvas to have injoyed the benefitt of thoſe Articles, by vvhich it vvas permitted unto me and unto all other *Excepted Perſons*, to endeavour by the ſpace of fovver moneths to make our Peace and Compoſition, And this vvould never have bin condiſcended unto by theire Generall, and ratifyed by the Votes of both Houſes, if they intended theire Vote of Exception as a finall Sentence irrevocable and unalterable, vvhich they have likevviſe by theire ovvne Acts declared to be othervviſe: For that upon mediation, and further information, they have bin pleaſed, to ſeverall Perſons to remitt the ſeveritie of the Vote of Exceptions, and have admitted them to Compoſition.

Vpon all theſe preceding Reaſons, being confident that ſome ſuch fitting ſeaſon vvould be offered, either by vvay of Petition, or by vvay of being called to a faire and Legall Tryall, That I ſhould be heard, and (after a particular Charge of all

ſuch

ſuch Crimes as could be laid againſt me) I ſhould be admitted to a juſt defence, Vpon this ground I have hitherto remained ſilent, and made no Anſvvear to thoſe ſo many moſt unjuſt and untrue Calumnies and Aſperſions vvhich have bin caſt upon me both in Print and othervviſe.

And novv by the ſaid Treaty of *Exceſter* I ſuppoſed a faire opportunity given me, to addreſſe my ſelfe unto the Houſes to attaine that vvhich vvas ever in my deſires, vvhich vvas to be admitted unto an Hearing, That they might judge diſtinctly of my Caſe after a full Information of all that concerned me; And thereupon I addreſſed my humble Petition to the Houſe of Peeres, That I might receive ſo much Favour and Iuſtice from them That (ſince I vvas by the Treaty admitted to uſe my beſt indeavours ſo far to ſatisfy the Houſes, that I might be left in the Condition of other men that had ſerved the King) I might be heard by them, And in caſe I ſhould not upon hearing give the Houſes ſatisfaction of not deſerving to be a Perſon Excepted, I vvould not decline any thing vvhatſoever the Houſes ſhould order concerning me. And in Caſe that it ſhould not be ſeaſonable, in regard of theire many great Affaires at that time, to afford me ſuch a Tryall, That I might remaine privately at mine Houſe ingaging my ſelfe to do nothing to the prejudice of the Houſes either by Act or Correſpondence; And to make my appearance vvhenſoever I ſhould be ſummoned, and to abide theire Order. This Petition had likevviſe an humble Requeſt unto the Lords, That the ſaid Petition might be communicated vvith the Houſe of Commons in ſuch ſort as theire Lordſhips in theire vviſedome ſhould thinke fit; For I might not (being a Peere) make my addreſſes but by them, or theire particular Leave: Yet knovving that the Propoſition of Exceptions vvas by the joint Vote of both Houſes, and that no Proceeding therein could be but by joint concurrence of both Houſes, I judged this the moſt proppet Expedient of making my addreſſes unto them both.

I accompanyed this my Petition vvith a letter of much Reſpect unto the Speaker of the Houſe of Peeres, vvith many

Motives to induce them to condiſcend to my Petition: I receaved Anſvvear by letter bearing date the 10. day of *Iune* 1646. from the *Earle of Mancheſter* (Speaker *pro tempore*) in the name of the Houſe, as followveth. MY LORD, *The Houſe of Peeres have receaved your Letter, and have commanded me to returne your Lordship this Anſvvear That they leave your Lordship to take the benefit of the Articles of Exceſter, vvhich they vvill careſully obſerve, &c.*

Hereupon, (having the Articles of *Exceſter* confirmed) I came up in perſon unto *London* and exhibited my ſecond Petition to the Houſe of Peeres, vvith the ſame Requeſt I had formerly made; That it might be Cómunicated vvith the Houſe of Commons; And by a letter ſignifyed unto the Speaker of the Houſe of Commons my being come to *London* upon the publique faith of the Treatie of *Exceſter*, The particular ſafe-Conduct of theire Generall under his Hand and Seale; and his letter to the Speaker of the Houſe of Commons, and the aſſurance of the Houſe of Peeres, That the ſaid Articles ſhould be carefully obſerved by them.

My ſecond Petition vvas, That I might vvithout offence ſollicite my Cauſe, and uſe my indeavours to give ſatisfaction to the Houſes. I receaved Anſvvear by the *Earle of Mancheſter. That the Lords thought it reaſonable that I might take the full benefit of the Articles, and uſe my beſt indeavours in ſolliciting my Cauſe in Perſon, to my beſt advantage.* But the next day after I had receaved this permiſſion from the Lords to followv my Cauſe, I vvas notifyed and ſerved vvith an Order by the Serjeant at Armes of the Houſe of Commons: *That notvvithſtanding it vvas agreed by the Articles for Rendring up of Exceſter, Oxford, &c. That the Excepted Perſons might come to London to indeavour to make theire Peace and Compoſition vvith the Parliament, The Houſe of Commons vvas reſolved to admit them to no Compoſition, notvvithſtanding the ſaid Articles, And therefore it being to no purpoſe for them to uſe any further indeavours in that kind the Serjeant at Armes of that Houſe vvas from time to time to give notice unto all ſuch Excepted Perſons, That they ſhould immediately depart vvithout*

vvithout the Line of Communication and Parts adjacent and not to returne, &c. I conceaved this very derogatory to the Houſe of Peeres that I ſhould be ordered by the Houſe of Commons vvithout the Concurrence of the Lords, eſpecially in a matter vvherein the Lords had declared themſelues before.

Herein I thought it fit to have recourſe unto the Lords, and ſent the Copie of the ſaid Order unto divers of them, vvho ſeemed to find it very ſtrange, and vviſhed it might be offered unto the Houſe the next morning, vvhich vvas accordingly done; But having bin read, (after ſome time of a generall ſilence) another buſineſſe vvas ſet on foot, and this laid by, ſo that I found little releife vvas to be had vvhere I might ſo juſtly have expected it.

But (in regard the Serjeant at Armes had told me; He could returne no Anſvvear to the Houſe of Commons, but his duty vvas only to notify the Order, and to give an accompt if obedience vvere not given to it) I vvrote a letter unto the Speaker conteyning ſome fevv modeſt and neceſſary requeſts. But nothing vvould be heard concerning me, but that I vvas to depart the Kingdome vvithin the limited time by the Articles of *Exceſter*, vvhich being vvithin very fevv dayes to be elapſed, I vvas conſtrained to make all the haſt I could to the ſea ſide, and there to imbarque my Selfe and Company and Horſes, in a ſmall boate, vvith three Mariners only and one Boy, having uſed all poſſible meanes to have my time enlarged only for ſome fevv dayes, for the providing of fitting Tranſportation, but could not obteyne it; So that tvvo dayes before the expiration of the time limited by the Articles of *Exceſter*, I imbarqued at *VVeymouth*, and paſſed into *France*.

The Reaſon of my leaving the Kingdome of *England* vvas, Firſt, for that I vvas aſſured that the time of the Treatie being expired, I ſhould be ſeized as a Priſoner of VVar, and ſo I might have bin proceeded againſt by Marſhall lavv, or an Arbitrary Povver, inſtead of a legall Tryall according to the lavv; vvhich neither then I did nor vvill at any time decline. The ſecód vvas, That notvvithſtanding by the 21. Article for the ſurrendring

dring of *Exceſter*, it vvas agreed. That no Oath, Covenant, Proteſtation or Subſcription, ſhould be impoſed upon any Perſon vvhatſoever, compriſed in the ſaid Articles; Yet the Houſe of Commons ordered the 2 of *Iune* 1646. That no Perſon ſhould come or reſyde in the Parliament Quarters, (vvhich vvas then all England) but he ſhould take the Nationall League and Covenant, & the Negative Oath, notvvithſtanding any Articles that had bin or ſhould be made by the Army; neither of vvhich I thought could ſtand vvith my Loyaltie, or the Oaths or Proteſtation vvhich I had formerly taken: Beſides, I did conceave, that no Perſon could live vvith comfort or ſafety under ſuch a Povver, that ſo avovvedly broke the Publique Faith of theire ovvne Army & Generall, vvhom though I found very deſirous to have his Capitulations punctually performed, yet vvere they in all things broken by the Houſes or theire Committees, vvhenſoever it vvas for theire benefit: For the Generall having given me his letters, & protection under his hand and ſeale for the injoying and diſpoſing of my goods for the ſpace of fovver Moneths according to the Articles; yet the Committees of *Dorſet-ſhire* ſlighted the ſaid Articles and Generalls letters, being both ſhevved unto them, and ſold the ſaid goods for a third part of theire value, for theire ovvne or freinds advãtage.

By this manner of Proceeding, I (having fallen from all hope or poſſibilitie of clearing my ſelfe by being brought to a legall Tryall, or publique Hearing, And being loath to goe to my grave (from vvhence I cannot be far) branded vvith that blacke Marke of not being capable of Pardon or Mercie, neither for Life nor Fortunes (vvhich muſt inſinuate me to the vvorld to be ſome horrid, pernicious and vvicked Malefactor) find my ſelfe obliged in that I ovve to my ſelfe, in Vindication of mine Honour and Innocencie, as likevviſe to my Family and Poſteritie, vvho vvill find themſelves left to vvant and miſery, to let them ſee that it hath bin an inevitable neceſſity and adhering to my loyaltie and Conſcience, that hath involved me in that generall Calamitie that hath befallen the Kings overborne Partie, and the particular Indignation of others, and no particular

vvickedneſſe

vvickedneſſe or demerit of mine, that hath aſſigned and ſevered me to that ſevere and mercileſſe Sentence of Vnpardonable Deſtruction.

If I could have had any hope of being admitted to a publique or Legall Proceeding, I ſhould never have betaken me to any other vvay of clearing my ſelfe, although I am not ignorant, upon hovv great diſadvantage and hazard any man is brought to a Tryall upon the Impeachment and Purſuit of the Houſes: Neither had I any reaſon to flatter my ſelfe vvith any indulgencie tovvards me: Yet vvithall, I had, and have, ſo great confidence of my ovvne cleare Innocencie in point of not meriting to be excepted from the ſame courſe of proceeding afforded others, That I vvas never more deſirous to attaine any thing then I vvas, and am, to be admitted to an equall and faire Hearing and Legall Tryall.

As for the point of having ſerved and adhered to the King I ſhall neither deny nor evade it; but my caſe is in that, the ſame vvith many Thouſands, and I ſhould be too indulgent to my ſelfe not to expect the ſame misfortunes and ſuffering vvith others: But novv allmoſt deſpairing of ever to be ſo happy as to ſee mine ovvne Country againe, in regard of my Age and Infirmities, and in leſſe hopes of ever being admitted to a faire Hearing, ſince the very vvayes of addreſſes or Petitions unto them are debarred me; and the uſing of any further indeavour to ſatisfy them is voted dovvne, And ſince theire Sentence is allready (before either Examination, Tryall or Conviction) put in execution, (in as much as concerneth Fortunes or Eſtates) by theire actuall poſſeſſing and diſpoſing of them: So that (having nothing left unto me but an Exiled Life, preſent vvants, and an expectation of greater poverty) I ſhall indeavour to beare thoſe heavy viſitations vvhich God hath bin pleaſed to ſend upon me and my family, vvith that Conſtancie of mind, and pious ſubmiſſion to Gods holy vvill, as befitteth a good Chriſtian, and leave unto my Family and Poſterity the ſubſequent Diſcourſe; vvhere, in the firſt place I ſhall ſet dovvne thoſe Reaſons that induced me to adhere unto the King, being (as

I conceave) thereunto bound, in Honour and Conſcience, by the Lavv of God and of the Land, by many ſolemne Oaths, by naturall Alleageance as a Subject, and by Honeſty and Gratitude as a ſvvorne Servant both to his Father and to Himſelfe; Of vvhich ſeverall Obligations I ſhall ſpeake in the firſt part of this Diſcourſe: And in the ſecond part I ſhall make ſo true and faithfull a Narration of my Proceedings, as I doubt not but to appeare to have bin a Faithfull, Loyall and Affectionate Servant to the King my Soveraigne and Maſter, But to have had no hand in any of thoſe Exorbitancies vvhich cauſed thoſe miſunderſtandings betvvixt the King and his People; To have bin no Incendiary betvvixt the King and the Houſes; But on the contrary to have uſed all poſſible indeavours as far as in me vvas, to have put thoſe unhappy breaches and differences into a vvay of Accommodation vvhereby a Civill VVar might have bin prevented; And ſince the VVar, there never vvas any Overture, or hope of Peace, to vvhich I did not contribute, both my prayers, and all the furtherance that vvas in my povver; And ſo not to have deſerved that mercileſſe Sentence of Vnpardonable Deſtruction.

See the Speeches made for Accommodation before the war was actually begun, in Append. pa. 1. & 9.

CHAP. II.

The particular Reaſons of adhering unto the King in this Cauſe, & the method obſerved in this Diſcourſe.

MY intention is not in this Diſcourſe (vvherein the Vindication of mine ovvne Honour and Innocency, and the ſetting dovvne of thoſe Reaſons vvhich deterred my Conſcience from taking Armes againſt my King, is the maine ſcope) to vvrite a defence of the Cauſe in generall, or to diſpute the Queſtion of Subjects taking Armes againſt their Soveraigne; It vvill require a large and elaborate Tract apart, vvhich may not be interrupted by any thing of the procedings of a particular man: Neither vvill I cenſure or judge other men, nor fixe upon others (though of a contrary vvay) any thing that may ſeeme opprobrious,

opprobrious, notvvithſtanding the Stile of Traitour and Notorious Traitour hath often bin my Title in Print; although that deteſtable name in this Caſe doth not make me bluſh. I knovv mens Conſciences may by different Principles, be carryed different vvayes: Neither vvill I cenſure ſo many men of all Qualities and Conditions, and religious Profeſſions of ſo much Impietie, as to have broken through all Tyes of Alleageance and Loyaltie, and ſo many Oaths, theire Conſciences unconſulted, and vvithout conceaving they had found ſomething to ballance theire Iudgements againſt ſo many preciſe and cleare Duties. I ſhall only ſet dovvne the motives and inducements of mine ovvne Conſcience; vvhich ought to be to each Chriſtian his Guide; againſt vvhich, as he can do nothing vvell; ſo even good Actions become evill if they be done vvith an unſatisfyed or dubious Conſcience. The Rules of Scripture being; *That vvee be fully perſvvaded in our mindes*, Rom. 14. 5. *That he is happy that condemneth not himſelfe in the thing he allovveth*, verſ. 22. *That he that doubteth is damned, And that all things that are not of faith are Sinne*; ver. 23. So that as it vvill be eaſily agreed, That to all Chriſtian men, Conſcience ought to be the ſtrongeſt and moſt vnreſiſtable guide, and of ſo great and binding authoritie vvith us, That it ſhould over-rule all conſiderations of Safety, Profit, Ambition, Revenge, or other Intereſt vvhatſoever: So it behooveth each Chriſtian man to ſeeke out the beſt and moſt unfallible markes and directions for the guiding of his Cõſcience in the right vvay. And this I may vvith truth declare (and take God to my vvitneſſe in it) That vvhen I did ſee, that no Induſtry (vvherein I omitted nothing that vvas in my povver, for the ſtopping, allaying, or reconciling of thoſe differences and violences, vvhich (breaking in like a floud) prevayled over mine, and all other peaceable minded mens indeavours) could produce any good effect, (And that there vvas novv nothing left to any man, but (in an unevitable VVar) to make choiſe of the juſter ſide, as his Conſcience tovvards God in the firſt place, and his other civill duties and obligations ſhould dictate unto him) I did, (after many Conferences vvith learned men of the

other

other vvay, much ſtudie, and reading of all that I could find to have vvritten in favour or excuſe of Subjects taking Armes againſt theire King) reſolve (contrary to all vvorldly or prudentiall Intereſts of my ovvne) to adhere to the King according as my Conſcience vvas ſatisfyed I vvas bound to doe, By the lavv of God, By the doctrine and practice of all Chriſtian Churches, and in all times, By many Oathes, By the lavves of the Kingdome, By my naturall Alleageance as a Subject, And by Gratitude and Fidelity, as a ſvvorne Servant, both to his Father and Himſelfe: Of each vvhich ſeverall Obligations, I ſhall ſpeake in the ſubſequent Diſcourſe in the order that is here ſet dovvne.

CHAP. III.

Reaſons deduced from Scripture.

AS it vvill be eaſily aſſented unto, that Conſcience ought to be, the guide of our Actions: ſo the moſt infallible Rule vvhereby to guide Conſcience to a Chriſtian ought to be, the Principles of Religion; and thoſe Principles are, (above all other) binding and obliging vvhich are deduced from the vvord of God. I ſhall therefore firſt begin vvith thoſe religious and pious Motives vvhich have in Conſcience reſtrained me from taking Armes againſt the King, or making to him any hoſtile Reſiſtance: For I deſire it to be underſtood, that vvhen I ſpeake of Reſiſtance, I allvvayes underſtand *Actuall and Hoſtile Reſiſtance*: For I vvell knovv that in things in themſelves ſinfull, *mala in ſe*, I ought rather to obey God then Men, And in ſuch Caſes, ſuffering is a full performance of our Duty of Obedience; Nay in Caſes only illegall *non illicita* but *illegalia*, againſt publique or private Right, as if a Prince ſhall infringe the knovvne undoubted Priviledges of the Kingdome or of Parliament, or command that vvhich is deſtructive unto them, The VVeapons of our Reſiſtance ought to be *Replyes*, *Petitions*, *Remonſtrances*, Nay vve may vvithhold our free-vvill-Offerings, though

though not our Tributes of Dutie, vvee may ſtop our voluntary ſupplyes of giving Subſidies, vvee may make a ſtand in the trãſaction of affaires untill the King condeſcendeth to do us Right, as hath bin often practiſed, As it vvas in the Caſe of the *Earle of Arundell* vvho being reſtrained and kept from ſitting in Parliament in the yeare 1626. by the King, vvithout cauſe ſhevvne, The Houſe of Peeres ſate many dayes ſilent vvithout debating or tranſacting any Buſineſſe untill he ſhould be reſtored to his libertie, and place in Parliament, or cauſe ſhevved for his detention: But to take Armes, or to uſe Acts of force, this is the Reſiſtance vvhich ought not to be uſed, and is neither juſtifyable by the Lavves of God, nor of the Kingdome, And this Reſiſtance I am farre from being ſatisfyed in my Conſcience may be uſed by any ſubjects againſt theire lavvfull and undoubted Soveraigne.

The places in Scripture, both in the old and nevv Teſtament commanding (by poſitive precept) our obedience, and forbidding Reſiſtance to the Povvers ordeined over us by God, are many; But the Arguments of neceſſary Deduction are infinite, vvhereas Reſiſtance is no vvhere commanded or allovved; And the Arguments by vvay of Deduction vvhich are made uſe of to tollerate the Subjects taking of Armes againſt theire Soveraigne, are by putting ſome places of Scripture upon [illegible]racke and torture to make them ſpeake theire ſence; vvhereas it is an undeniable Rule in Schooles That *Inferences and deductions cannot juſtify the breach of plaine dutyes inioyned by any one poſitive precept of Scripture.*

Proofes out of the old Teſtament.

In the old Teſtament it vvas death to diſobey (much more hoſtilely to reſiſt) the ſupreame Authoritie by poſitive precept Deut. 17. 10. Ioſhua 1. 18. So it vvas to reſiſt Parents. And certainly in States and Common-vvealths, *tam Pater nemo* he is *Pater patriæ*, and all the civill povver that vvas of old in Paternall Iuriſdiction, is novv by the Conſent and common Agreement of the People placed in the ſupreame povver of a State, and the ſame obedience is due to it, and reſiſtance to it as unjuſtifiable.

And ſuch as vvill indulge to the People, a freedome to reſume theire firſt Originall Povver, grounded upon that Maxime, *Omnis homo naſcitur liber*, every man is borne free, ſeduce them by ſo falſe a Principle, that the contrarie of it, is the truth, *Nullus homo naſcitur liber*, no man is borne free. Neither vvas there ever yet in this vvorld, any one man borne free. It is true, there vvas one man created free, our firſt father *Adam*, But all his Children, and all his Deſcent after him, vvere borne under Paternall Iuriſdiction; Nay our bleſſed Saviour (ſpeaking of him as a Man, and Sonne to the bleſſed Virgin) vvas borne under this Paternall Iuriſdiction and filiall Obedience, vvhereunto he ſubmitted himſelfe as is plainely ſet dovvne in Scripture, Luke the 2. 51. vvhere it is ſaid, *He vvent vvith Ioſeph and his Mother, and vvas ſubject unto them.* Novv this Paternall Iuriſdiction, vvhich vvas at firſt the ſole Soveraignitie vvhich governed the VVorld, By reaſon of Partiality in Parents, Oppreſſion by ſuch as vvere the ſtrongeſt, and a multitude of incóveniences and confuſions vvhen the VVorld vvas become numerous, and full of people, and every family become a Realme, As it vvas too narrovv, ſo it grevv to be ſo hurtfull unto Mankinde, That men vvere forced for theire ovvne preſervation, Common Iuſtice, and comfort of life, to transferre this paternall Iuriſdiction, (all but filiall and perſonall Duty of honouring and obeying Parents) into Magiſtracie, and vvillingly diveſted themſelves (for theire ovvne good) of that Native Libertie vvich they had before, And as the right and povver of Governmēt is the ſame vvhich it vvas in paternall Iuriſdiction, only by the Conſent of the people changed into another hand: So the Obedience unto it ought to be the ſame; And the fift Commandement of obeying Parents, is by all underſtood to extend unto the Magiſtrate, to vvhom the people having by conſent transferred the povver of paternall Iuriſdiction, are likevviſe by divine precept bound to obedience, And the People cannot ſtill retaine unto themſelves, that, vvhich by common conſent they have diveſted themſelves of, and transferred to others. So vvas it in the Common VVealth of *Rome*, vvhen by *lex Regia* the

people

people had transferred all theire povver to the Emperour, they vvere not to reſiſt, And it vvas to thoſe Emperours, to vvhom our Saviour and his Apoſtles injoined Obedience not only for vvrath, but for Conſcience ſake, and not unto the good only but unto the frovvard.

David vvas purſued by *Saul* unjuſtly, his life ſought by him; yet his Conſcience check'd him vvhen he had only cut off the lap of *Sauls* garment, 1. Sam. 24. 5. 6. But vvhen the attempting upon his perſon vvas mentioned, he then cryed out, *VVho can ſtretch forth his hand againſt the Lords Anointed and be guiltleſſe?* 1. Sam. 26. 9. Nay, vvhen he might have ſlaine *Saul*, and he vvas deſired by *Abiſhai* that he might ſtrike him to the ground, he did not only forbid him, but called unto *Abner* telling him he deſerved to dye, that he had not more carefully kept and guarded his Maſter. ver. 15. 16. vvhich ſhevveth, that not only not to hurt, but to preſerve is our Duty. And truly if I ſhould have lift up my hand or dravvne my Svvord againſt the King, I feare I ſhould not have bin ſo happy, as divers have bin that have gone the other vvay, in finding out ſuch ſatisfactory Arguments or diſtinctions as vvould have rid or cured me of that horrour of Conſcience vvhich vvould have made me moſt miſerable in the height of all proſperitie and ſucceſſe.

All the vvhole context of the old Teſtament incite to the obedience, to the honouring, fearing and reverencing of the King; And all the Attempts that have bin made upon the perſons of Kings, or theire Government, are either condemned as vvicked, or elſe vvere by the extraordinary and eſpeciall Commandement of God, making uſe of vvicked men to be the Executioners of his juſt Iudgements; Beſides, the Government of the Ievviſh Common vvealth vvas a *Theocratia* an immediate Governmēt of God binſelfe, And by the Conſent of all Divines, Gods extraordinary Iudgements are not to be made Rules or Patternes of ordinary Government. But God hath given us a vvritten lavv in the Scripture; and by the conſtant precepts contained in them, vve are to be guided; and not by the extraordinarie Examples recited in them, Of vvhich vve may boldly

boldly ſay That as it is moſt certaine they vvere not vvicked (hovv ſevere ſoever they may ſeeme) becauſe God commanded them; ſo it is as certaine it vvere vvickedneſſe in us to imitate them, not having Gods eſpeciall Command for them, vvhich vvill not novv be pretended unto by any. The Caſes of *Eglon*, *Zimri*, *Iehu*, &c. are juſtifyed by Gods being the Commander of them; And Sinne is nothing but an Obliquitie from Gods vvill: But it is Gods revealed and declared VVill vvhich is to be our rule. God is pleaſed to declare * *That the Father ſhall not dye for the ſinne of the Sonne, nor the Sonne for the ſinne of the Father; But every one ſhall beare his ovvne iniquitie*, This is his revealed lavv by vvhich vve are to governe our ſelves: Yet God in his ſecret, yet moſt juſt Iudgement vvill have *Achan* vvith his VVife and Children, and all belonging unto him to be ſtoned to death, the like of *Corah* and divers others; vvhich particular Iudgemēts of God vve ought to feare and reverence, but not to dravv from them Example or vvarrant againſt the Commandement or declared Lavv of God.

* *Deut.* 24. 16. *Ezech.* 18. 20. 2. *Kings* 14. 6.

But in the vvhole old Teſtament I conceave there vvill not be found any one Precept or toleration of hoſtile Reſiſtance, nor any one Example (the extraordinary Caſes excepted) countenancing Diſobedience to the lavvfull Supreame Magiſtrate; But ſo much to the contrary; That there is no Duty (next after the fearing, honouring and ſerving of God) more inculcated then the fearing, obeying and honouring of the King, as his *Vicegerēt*, *Dixi vos Dij eſtis*, * I ſaid yee are Gods. * The Kings Throane is called the Throane of God, The Iudgement of the Supreame Magiſtrate, the Iudgement of God, and moſt of the Attributes of God are applyed unto them.

* *Pſal.* 82 *v.* 6. * *Deut.* 1. 17. 2. *Chro.* 19. *v.* 6.

Prooſes out of the nevv Teſtament.

And for the nevv Teſtament The Precepts therein againſt Reſiſtance, are not only much more poſitive and direct, but the puniſhments of much a higher nature: For the puniſhments of the old Teſtament are no vvhere explicitly beyond death; vvhereas S. Paul ſaith * That *He that reſiſteth the Povvers ordained by God procureth to himſelfe Damnation.*

* *Rom.* 13 *v.* 2.

Our Savioru (Marke 12. 17.) commandeth us out of his ovvne mouth

mouth to *render unto Cæſar, the things that are Cæſars, and to God the things that are Gods.* Novv I muſt clearely profeſſe That before the VVar vvas actually and hoſtilely entred into, my Conſcience vvas in great ſuſpenſion, and doubt, that thoſe vvayes and Courſes vvhich vvere purſued tended not only, not to give unto *Cæſar* vvhat belonged unto *Cæſar* but to take from him that vvhich undoubtedly and undeniably vvas his; As likevviſe to take from God that vvhich belonged unto Him, by applying that vvhich had for many hundreth yeares bin dedicated and appropriated unto Him, and his Service, to common uſes vvhich hath in all times, and even amongſt Heathen, bin knovvne by the name of *Sacriledge.* And vvhich divers grave and learned Divines of that vvay, (as Dr. *Burgeſſe*, and Mr. *VVhite* of *Dorcheſter* by name) in the beginning of the Parliament told me, That they vvould never aſſent unto or approve the applying the Revenevv of the Church, unto temporall uſes; They conceaved they might be better imployed then they vvere, for the maintenance of Preaching Miniſters, and other pious uſes, But to be taken from the Church and applyed to prophane uſes, I am ſure theire Opinions vvere then againſt it.

For the former of taking from the King vvhat vvas his, I vvas too much confirmed by the 19. *Propoſitions* of *Grocers-Hall*, vvhich vvere ſent unto the King, ſome moneths before I vvithdrevv my ſelfe from Parliament, As likevviſe by divers other particulars denyed unto the King vvhich vvere as undoubtedly his as the Crovvne. And for the ſecond, of taking from God vvhat belonged unto him, I vviſh my doubts had not bin ſo vvell confirmed by the uſe that hath bin made of the Lands and Revenevv of the Church, to be made in great part, the Hire of Forreigne Forces againſt theire Prince; and the reſt to ſatisfy the Vſury of the ſaid vvages. So that thoſe Ancient devout Dedications, intended for a perpetuall Maintenance of Gods Church, and his Miniſters, have by vvay of Commutation and Change bin applyed to the *pious uſes* of Vſury and the maintenance of a Civill vvar. But our Saviours Command being cleare and poſitive to give unto *Cæſar* vvhat belonged to *Cæſar*;

I did conceave, That Honour, Fealtie, Loyaltie, and Obedience did as much belong unto him, as Tribute, ſervice, and other Regalities of his Crovvne, All vvhich I had by Oaths legally eſtabliſhed, and by lavvfull Authoritie adminiſtred unto me, ſvvorne more then ten times to King *James* to belong unto him, and to his lavvfull Heires and Succeſſors, and often likevviſe unto King *Charles*, And that I vvould in them beare to him Faith and true Alleageance. Novv vvhether the ſaid 19. *Propoſitions*, (vvhich are hereunto annexed) And many other things vvhich as occaſion ſhall be offered vvilbe inſtanced in, might not adminiſter unto me a juſt Scruple of Conſcience of ſvverving from this plaine precept of our Saviour of *giving unto Caſar vvhat belonged unto him, and unto God the things that are Gods*, I ſhall remit to any Chriſtian of vvhat Profeſſion ſoever he ſhalbe.

See the Propoſitions in Append. pa. 13.

Our Saviour doth further confirme this his Precept by his ovvne Example of paying Tribute-money, though he might have exempted himſelfe from it, as being no Stranger: Yet Matth. 17. 27. *Notvvithſtanding* (ſaith he) *leaſt vve ſhould offend them, Goe to the Sea and caſt in an Angle, &c.* So that he vvould rather do a Miracle, then do that vvhich might ſeeme to be like ſedition or Diſobedience.

S. Paul in the 13. chap. of his Epiſtle to the *Romanes* 1. 2. 3. & 4. verſes telleth us, *That vve may not reſiſt the Povvers ordeined over us by God; And he that reſiſteth this Ordinance ſhall receave to himſelfe Damnation.* And verſe the 15. *That vve muſt be ſubject not only for vvrath but for Conſcience ſake.* Novv that the King is this Povver ordeined over us by God, I never heard any doubt made by any, of his juſt and rightfull Title. In all the Acts of Parliaments vvhich have bin by the Houſes offered unto him for his Royall Aſſent ſince his Comming unto the Crovvne, it is acknovvledged *VVee your Majeſties moſt humble and moſt faithfull Subjects*. And if vve acknovvledge our ſelves his Subjects, vve do therein acknovvledge him our Soveraigne. And in the beginning of every Parliament both in the Houſe of Peeres and in the Houſe of Commons, before they take their Seat and Place

Place in Parliamẽt, they do by Oath declare and teſtify in theire Conſcience, *That the Kings Highneſſe is the only Supreame Gouernour of this Realme and all other his Countries and Dominions, &c.* And this Declaration I and all the reſt of the Members of both Houſes have made. So that it being an uncontroverted and confeſſed truth, That the King is our lavvfull Soveraigne and vve his faithfull Subjects and cõſequently the Povver ordained over us by God, the vvhich to reſiſt, by S. Pauls Doctrine delivered in plaine and explicite Tearmes, is, *To procure to our ſelves Damnation.* I muſt confeſſe That (allthough I vvill not Iudge other men) yet I durſt not adventure my Soule upon a Moote-Caſe or upon Diſtinctions or ſtrained Interpretations, againſt that vvhich appeared unto me to be the literall and cleare ſence. S. Paul declaring, Rom. 14. 22. 23. *That he that doubteth is damned*; The meaning vvhereof I underſtand to be, That he that doubteth that that vvhich he doth is ſinfull and vvicked, and yet adventureth to do it, therein ſinneth preſumptuouſly, and thereby runneth a hazard of Damnation. And truly I did much more then doubt; for I vvas as S. Paul requireth vve ſhould be, Rom. 14. 23. *Fully perſvvaded in mind of the contrary.* So that (vvithout Impietie and making Shipvvracke of my Conſcience againſt the plaine Precepts of Scripture) I could not adhere to the vvay of Reſiſtance.

Vide Stat. 1° Iacobi. ca. 1° in Appendice pa. 8. wherein the Soveraignity of the King is *fully* ſet downe

CHAP. IV.

The Doctrine and Practice of the Primitive Church, of not reſiſting theire Princes notvvithſtanding they vvere Heathens or Apoſtates.

IVVell knovv that the Authoritie of Scripture needeth not any humane or forreigne ſupport; But becauſe the Parties of ſeverall, yea, contrary vvayes, vvill both pretend to have the Scriptures in theire favour, and from them to dravv the rule of theire Conſciences alike, to me it ſeemed that nothing ought to be of greater Authority (under Scripture) or like rightly to interpret

interpret Scripture, then the unanimous Doctrine and Practice of the Primitive times, and of those holy and learned men, vvho as they vvere nearer to the times of our Saviour, and of the Apostles, and of those Pen-men of God, so doubtlesse they savv by clearer light then vve do novv at a greater distance. And really by vvhat I could ever read or be instructed in from others; I could never find any thing, either allovving or countenancing the Subjects taking Armes against theire Soveraigne, allthough it vvere in the highest and most bloudy persecution, and under the vvorst of Princes, many of them being Heathens, Tyrants and Apostates; And yet it vvas to these vvicked Persecutors, to vvhom our Saviour and his Apostles injoined Obedience; And the Primitive Fathers practised it in theire sufferings and Martirdomes.

But I must confesse I have met vvith a most untrue Allegation and most injurious to Christian innocencie. *That the reason of the Christians bearing so many vvrongs and oppressions, vvas, because they had not then povver and meanes to do otherwise or right themselves.* The untruth of this Allegation vvill appeare by the vvritings of those Fathers vvhose profession it vvas to beare and suffer, but not to resist; *Flere potero, dolere potero, &c. aliter, nec debeo, nec possum resistere*, vvas the Saying of S. *Ambrose*, S. *Cyprian* saith, *quamvis nimius & copiosus noster populus, non tamen adversus violentiam se ulciscitur, sed patitur:* And *Nicephorus* reporteth *that in one day, tvventy thousand Christians vvere slaine in the Citty of Nicomedia under Dioclesian.* And many of theire bookes are full of passages of this straine. And to conceave that povver to resist vvas only vvanting, is not only injurious to the Innocency of those Holy Men but injurious to God, vvho if his Glory had not bin more advanced by theire Sufferings, Martirdome and Persecution, then by Resistance; or that Resistance had bin commanded by him, or he pleased therein, Those his Holy Servants should not have perished for vvant of Povver. Our Saviour saith, vvhen for the defence of his ovvne Person he prohibiteth Resistance. **If he vvould he could pray to his Father, vvho vvould send him more then tvvelve Legions of Angells.*

Lib. 5. Orat. in Auxiliu. Epist. ad Demetrianum. Niceph. lib. 7. cap. 6. Tertullian. in Apologetico.

**Mat. 26 53. 54.*

Angells. And vvhen the preſervation of Gods Servants redoundeth more to the Glory of God then theire ſufferings, He is never vvanting to them; *As vve ſee by ſo many deliverances by the extraordinary Povver of God. But the truth is, That unto theſe Primitive men, (treading in the ſteps of the Apoſtles) theire ſufferings vvere theire Glory, theire Rejoicing, and theire Advantage. And divers of the Fathers by vvay of prevention (as it vvere) foreſeing that this Scandall might be caſt upon theire Innocency and Chriſtian Patience, (*That it vvas vvant of meanes and povver, and not of vvill that they reſiſted not*) do clearely declare, That neither *Numbers*, *Armes* or *Courage*, vvere vvanting to them vvherevvith they might defend themſelves; nor *Injuryes*, *Oppreſſions* and *Perſecutions* vvanting that might provoke them thereunto: But it vvas the Example of Chriſt and his Apoſtles ſufferings, and theire holy Doctrine and Precepts commanding Obedience, that ſuffered not theire hands to fight againſt the Povvers ordeined by God over them, allthough they uſed both hands and armes vvith remarkeable Valour and Succeſſe againſt the Enemies of theire Princes, notvvithſtanding the ſaid Princes vvere Heathen and Perſecutors of the Church of God.

*2. Kings 6. v. 16. 17. 18. &c. Act. 12. v. 11. Act 27. 24. Act. 16. 26. & 36.

But this Doctrine of not Reſiſting, ſome of our nevv Divines, (vvho cannot but acknovvledge it to be both the Doctrine and practice of the Apoſtles and Primitive Times) do novv ſay *That God vvas not then pleaſed to reveale the Doctrine of Reſiſtance, But that Martirdomes and ſufferings vvere the vvay by vvhich he thought it then fit to plant the Church vvhich he is novv pleaſed ſhould be protected by Reſiſtance and enlarged by Povver:* VVherein they have miſtaken the Text, For that, that Doctrine (inſtead of the Bible) is taken out of the *Alcoran* vvhere *Mahomet* ſaith, *That God had ſent Chriſt in the Spirit of meekeneſſe to eſtabliſh his Lavv: But novv by him he vvould have his Lavv ſetled and eſtabliſhed by the povver of the Svvord and Conqueſt.* And if prevailing or ſucceſſe might ſtand for Arguments, it vvill be hard convincing this *Mahometan Doctrine*. But certainly the generall and univerſall Tenent of all the Churches of Chriſten-

dome vvere, and I conceave are ſtill, *That as Religion ought not to be planted by force or conſtraint: So Chriſtian Subjects ought not to make Religion the ground of theire Reſiſtance or taking Armes againſt theire Princes;* And herein there is a Concurrence of all *Proteſtant Churches* (allthough they differ in many other points) vvho in theire publique Confeſſions do not admit of *Hoſtile Reſiſtance againſt theire Supreame Magiſtrate*, And more particularly the Church of *England*, (vvhich (vvithout any immodeſtie) may challenge her part in the Reformation, ſhe having had many learned Propugners of it by theire VVritings, and not a fevv that have ſealed it vvith theire Bloud by patiently dying for it) hath declared againſt it, confirming the *Exhortation to Obeaience* publiſhed in the time of *Edvv.* 6. and the *Homilie of Obedience*, by the Articles of theire Confeſſion of Faith; The like doth the reſt of the *Reformed Churches* in the Harmony of theire Publique Confeſſions. So that it hath bin the conſtant *Doctrine* of all Proteſtāt Divines ſince the *Reformation* dovvne untill our times. And I have heard divers men (very eminent for theire learning) averre it, That upon theire Reputation, they vvill make it appeare, That theſe fevv yeares of Diſtractions in *England* have produced more ſeditious Pamphlets, tolerating and incouraging *Diſobedience*, then all the Chriſtian vvorld ever ſavv before.

The Proteſtant Churches declare againſt Subjects taking Armes againſt theire Princes.

Confeſſio Auguſt. art. 16. *Gallic. art.* 40. *Helvet. art.* 26. *Scot. art.* 24. *Anglic. art* 27.

The *Proteſtants* had vvont to charge the *Doctrine of Reſiſtance* upon the *Romane Catholiques*; They likevviſe indeavour to father it upon the *Proteſtants*. It ſeemes both are unvvilling to ovvne it, I meane in theire generall receaved Tenents, though it be true that ſome of both profeſſions have vvritten in the defence of it, though diſclaimed and burned by publique Authoritie, as vvicked and ſeditions on both ſides. *Andreas Rivetus* Profeſſor at *Leyden* vvriting againſt a *Ieſuit* that caſt this Aſperſion upon the *Proteſtants*, that they agree vvith them in the Doctrine of *vvarring* againſt or *depoſing* Kings, ſaith *That noe Proteſtant doth maintaine that damnable Doctrine*, and that raſhneſſe of *Knox* and *Buchanan* is to be aſcribed, *præfervido Scotorum ingenio, & ad audendum prompto; To the over-hot Spirit of the Scots, ever apt to be over bold.* The *Proteſtants* of *France*, not only in theire Articles

Oſor. de Iur. Maieſt. fol. 140.

ticles above cited, but in theire bookes proteſt theire Innocencie, and that they abhorre this Doctrine of *Reſiſting forcibly*. *Pierre du Moulin* hath theſe vvords. *Nous tenons que ce n'eſt point à vn Sujet de trouuer en la Religion de ſon Prince occaſion de deſobeiſſance, faiſant de la Pieté vne allumette de Rebellion. Nous ſommes preſts d'expoſer nos vies pour la defence de nos Rois, contre qui que ce ſoit, fuſt-il de noſtre Religion. Quiconque feroit autrement, ne defendroit point la Religion, mais ſeruiroit ſon ambition, & attireroit vn grand blame ſur la verité de l'Euangile. VVe hold that a Subjeƈt ought not from the Religion of his Prince to take occaſion of diſobeiſience, making of Piety a match vvhereby to kindle Rebellion. VVe are ready to expoſe our liues for the defence of our Kings, againſt vvhomſoeuer it be, allthough of our ovvne Religion, And vvhoſoeuer ſhould do othervviſe, ſhould not defend Religion, but ſerue his ovvne ambition and vvould drauv a great reproach upon the truth of the Goſpell.* Pierre du Moulin in his defence of the Faith. pag. 3. 4.

The *Romane Catholiques* eſpecially the Doctors of the *Sorbons* have vvritten Volumes againſt it, and never faile to cenſure all bookes that maintaine that Doctrine, to the fire. And the Vniverſitie of *Paris* in theire publiſhed Cenſure of the 4 of *Iune* 1610. declare, that *Seditioſum, impium, & hæreticum eſt, quocunque quæſito colore à quocunque Subdito, Vaſallo aut Extraneo, ſacris Regum aut Principum perſonis vim habere; That it is a ſeditious, impious and hereticall thing for any Subjeƈt, Vaſſall, or Forreigner upon vvhat pretence or colour ſoever to offer violence to the ſacred perſons of Kings or Princes.* So that both *Proteſtants* and *Romane Catholiques* declaring againſt it, (that is, in the generall receaved and approved Tenents and Opinions of theire ſeverall Churches) of hovv little Authoritie ought the private Opinion of ſome fevv *hot-headed Men* to be, vvho (ſeeking to get themſelves a name by being the Authors of ſome nevv and bolder Opinions) ſhall (upon theire ovvne Fancies, or ſome vvitty or ſubtle Inferences and Deductions) contradiƈt the unanimous and univerſally receaved Opinions of all Chriſtian Churches, and the Practice and Examples of ſo many *Holy Martyrs* from the very times of the *Apoſtles* even unto our dayes. Mr. *Foxe* in his Booke of

of *Acts and Monuments* ſpecifieth many, even to their death, exhorting to Obedience to theire Prince. I ſhall only ſet dovvne one inſtance of many.

Thoſe famous Sufferers in *Queene Maryes* dayes, allthough the *Reformed Religion*, being nevvly planted, vvas likely by *Perſecution* to be extirpate, and that ſome more hot and zealous ſeemed to have an Inclination to preſerve themſelves and theire Religion by vvay of Force (for at that time theire povver vvas great) Tvvelve of the moſt eminent amongſt them for Learning and Pietie agreed to the ſetting forth a *Declaration of theire Faith and Doctrine*, in vvhich they ſet dovvne theire Hatred to any ſuch Inclination, and exhort vvith great earneſtneſſe of ſpirit, and beſeech in the bovvells of *Ieſus Chriſt* all ſuch as feare God, to behave themſelves as obedient Subjects to the *Queene* and to the *Superiour Povvers* ordeined of God under her, and rather (after theire Example) to give theire heads to the Blocke, then in any ſort to *Rebell*, or to *Mutter* againſt the *Queene, the Lords annointed:* And tovvards the end of this theire *Declaration* they renevv theire *Exhortation*, humbly praying all men *to be in no point conſenting to any kind of Rebellion or Sedition againſt the Queene, But vvhere they cannot obey, but they muſt diſobey God, theire to ſubmit themſelves vvith all patience and humilitie to ſuffer as the VVill and Pleaſure of the Higher Povvers ſhould adjudge, as they themſelves vvere ready to do, rather then to conſent to any Doctrine contrarie to that Confeſſion vvhich they had made in the ſaid Declaration.* And moſt of all theſe men ſealed this theire Doctrine vvith theire bloud, being burnt in ſeverall places of the Kingdome, ſome in *Smithfeild*, ſome at *Glouceſter*, ſome at *Covventry*, as is ſet dovvne particularly in the ſaid Story, page 1470. So that both the *Proteſtants* and *Romane Catholiques*, in theire publiſhed and avovved Doctrine, diſclaiming and cenſuring this Doctrine of *Hoſtile Reſiſtance* as Impious and Hereticall (as is aboveſaid) of vvhat Authoritie can the private Opinions of a fevv men (condemned by theire ovvne Churches) be, for the ſetling and ſatisfying of any ſober and uningaged mans Cóſcience; againſt the Doctrine and Practice of the vvhole Chriſtian

VVorld

VVorld and in all times. It is true, that a ſtrong fancy againſt any thing makes us hardly to be perſvvaded to it. But vve eaſily beleeve that vvhich vve earneſtly vviſh. And it is as true, that all times have brought forth ſome great and able vvits that have ever affected to be the Authors of nevv Opinions, And the Arch-Heretiques have ever bin noted to have bin Men of parts, though of ſtronger fancy then ſolid Iudgement. Many of theſe nevv Men (if not all of them) have (by learned Anſvveares of particular men) bin confuted, as vvell as by publique Cenſures bin condemned, as Impious and Heretic all; as *Iunius Brutus* by *Baricane* Dr. in Divinity and Canon of the Cathedrall Church of *Tholouſe anno* 1614. This *Iunius Brutus* is an aſſumed and counterfeited name, the Author of it (as it ſhould ſeeme) being unvvilling to avovv the Doctrine, and vvas publiſhed firſt in Latine, and aftervvards ſet out in French *anno* 1611. by *Levvis Mayerne Turquet*. It laid the ground of ſuch Maximes and Tenents, as the Authors that have vvritten againſt them do not content themſelves vvith ſhevving theire Opinions to be falſe and erroneous, but they inueigh againſt them as deteſtable and execrable. And it is far from my Intention, in this Diſcourſe, (the ſcope vvhereof is only to ſet dovvne faithfully mine ovvne proceedings in matters of Fact, and in matters of Opinion to ſhevv thoſe Grounds and Reaſons vvhich have deterred my private Conſcience from having any part in lifting up my hand againſt the King) to enter into any matter of Diſpute or Controverſie vvith theſe nevv Doctors, but leave theire Scholaſticall Confutation, to the learned VVritings of thoſe that have anſvveared them, and to thoſe publique Cenſures that have condemned them. Thus far I have, and ſhall make uſe of them, vvhich is to ſhevv, That (admitting all theire bold and nevv Poſitions vvere true, I ſay *poſito non conceſſo*, yet by theire ovvne Maximes and Principles I could find nothing that could vvarrãt me in point of Cõſciẽce to *Hoſtile Reſiſtãce*, for that the matter of Fact in the preſent Caſe, neither is nor can be, vvith any truth or colour of truth applicable to theire Tenents and Poſitiõs, vvhich I ſhall indeavour to make cleare by that vvhich followeth.

Admitting all the Poſitions either by Proteſtants or Papiſts vvere true, vvhich allovv Subjects to take Armes againſt theire Princes, yet they agree not vvith the preſent Caſe.

Shewn that the Reasons of Roman Catholiques are not applicable to the present Case.

All the Romane Catholiques vvich have vvritten in favour of reſiſting Princes in ſome Caſes, lay for theire ground a ſuppoſed *Supremacy* in the *Pope* in matters ſpirituall, and thereby erect a ſuperiour Iuriſdiction over *Princes* vvhich muſt of neceſſity be preſuppoſed, before they can pretend to *cenſure* or *puniſh*. for *par in parem not habet imperium*, and that is the true and unanſvvearable Reaſon vvhy *Kings* cannot be puniſhed but only by *God*, becauſe there is over them no other ſuperiour Iuriſdiction on earth. But the *Pope* pretendeth over all Chriſtian *Princes* aſvvell as other Men, a direct ſuperiour Iuriſdiction, *in Spiritualibus, in matters Spirituall*, and an indirect Povver, *in ordine ad Spiritualia, in temporalibus, in matters temporall.* And upon this ground, the *Romaniſts* affirme, That in ſuch and ſuch caſes, vizt. *If they be Heretiques vvith obſtinacie, Perſecutors of the Church of God, Incorrigibly Diſobedient or Apoſtates, The Pope may then (ſay they) diſcharge theire Subjects of theire Obedience, and they may lavvfully reſiſt theire Soveraigne.* But this Tenent is to me, and to all other *Proteſtants* of *England*, of no Authoritie, vvho reject this Doctrine as erroneous, and have ſolemnely ſvvorne the Contrary. But that is not the Point that is novv to be proved, my Aſſertion being, That (admitting this theire Tenent vvere true) yet it is no vvay applicable to the Kings preſent Caſe in matter of Fact: For thoſe that give unto the *Pope*, Povver of cenſuring and puniſhing of *Kings*, firſt preſuppoſe the Crimes of *Apoſtaſie, Hereſie, Perſecution, &c.* and them to be duly and ſufficiently proved, There muſt goe out *Citations* to the Partie ſuppoſed to be the *Delinquent*, there muſt be *Hearing, Convi&tion* and *Sentence.* Further before any execution of Sentence, there muſt be Admonition and a *Returne of Obſtinacie*, And after this there doth precede *Excommunication* before *Depoſition* or *Delegateing of povver to any other*, either to execute the *Sentence* or to diſcharge Subjects of theire *Obedience.* And this vvilbe ſeene in all theire VVritings, and in theire Practiſes, and particularly in the Caſe of the King of *Navarre.* But it is impertinent to inſiſt further thereon, and to fight againſt the Aire, vvhen no man vvill have the Folly or Malice to attempt the application to our preſent Caſe.

Caſe. The uſe that I only make thereof, is, to aſſert vvhat I have formerly ſaid, That (admitting the falſe poſitions of the *nevv Doctors* that have vvritten in favour of Subjects making Hoſtile Reſiſtance againſt theire *Prince* vvere true) yet the preſent Caſe againſt the *King* can neither be juſtifyed or maintained by any of theire Principles.

Having inſtanced in thoſe of the *Romiſh Church*, I ſhall examine the Tenents and Principles of other Profeſſions; though I knovv not in vvhat Church Communion to place them, ſince no *Proteſtant* or *Reformed Church* doth avovv, (as is before ſhevved) theire Principles. And becauſe *Junius Brutus*, is, as it vvere the ground-vvorke and Text of all theſe nevv Opinions, I ſhall faithfully ſet dovvne vvhat his Opinions and Tenents are, And hovv they are applyable to the preſent Caſe. He is forced as vvell as the *Romaniſts* to Cõſtitute a Superiour Iuriſdiction above *Kings* (for hitherto they both agree) vvhich as they place it in the *Pope*, ſo he placeth it in the people, deriving the povver of Princes originally from them, and from that Maxime of *Quicquid efficit tale eſt magis tale*, he maketh the people above the King and that allthough the King be *Maior ſingulis*, he is *Minor univerſis*.

Shevveth that the opinions of ſuch proteſtãts as allovv in ſome caſes of ſubjects taking armes againſt theire Prince, if they vvere true, yet are not applicable to the preſent caſe.

Having laid this as his foundation he deſcendeth to ſet dovvne upon vvhat kind of Soveraignes, and in vvhat Caſes this theire Povver may be lavvfully exerciſed, vvhich he ſaith may be only againſt *Tyrants*; of vvhich he ſaith there are tvvo ſorts; *Tyrants of Vſurpation* vvithout any juſt Title, & *Tyrants in Government*, vvhich (allthough they may have a juſt Title) yet they become Tyrants *in Regimine*, *Tyrants in point of theire government*. For his firſt ſort of *Tyrants*, it vvilbe impertinent to ſpeake of them, for that all men acknovvledge the Kings Title to be juſt, and vve have all ſvvorne it, and ſubmitted unto it as our Auncеſtors have done unto his Auncеſtors by the ſpace of many hundreds of yeares, So have vve particularly unto hinſelfe for the ſpace of theſe tvventy yeares and more. But for his ſecond ſort of *Tyrants*, vvho from legitimate and rightfull Princes, become Tyrants by theire vvicked and lavvleſſe Government, and thereby (in his

his opinion) make the Subjects taking of Armes againſt them lavvfull, and juſtifyable, The beſt vvay to apply his doctrine unto this Caſe, is, to ſet dovvne in his ovvne vvords vvhom he vvould have to be underſtood to be ſo qualifyed and conditioned, as may be eſteemed ſuch a *Tyrant* & ſo conſequently (by his Doctrine) may be hoſtilely reſiſted: his vvords are, *If a Prince of deliberate purpoſe do ruine the State; If audaciouſly he ouerthrovveth all lavves and Dutyes; If he no vvay care to keepe his faith; If he have no regard to Convention, Iuſtice or Pietie. If he be an Enemy to his Subjects; breifly, If he practiſe all theſe vvickedneſſes vvhich vve have ſpecified or the principall of them, Then certainly he may be judged a Tyrant (that is to ſay) an Enemy to God and man. So that the queſtion is not here of the Prince that is none of the beſt, nor of the vviſeſt, nor of one that doth the beſt Iuſtice, nor of the moſt valiant, But of a Prince that is moſt VVicked, Malitious and Treacherous, a Contemner of the Lavves, an enemy of the People, and Deſtroyer of the Realme.* And in the Page before, he ſaith. *VVe muſt not expect to have Princes in vvhom there is no fault to be found, but rather eſteeme that all goeth vvell vvith us, if thoſe that goverme us are midlingly good.*

Novv allthough the Doctrine be vvicked and falſe (for if any ſuch *Chimera* or *Fantaſme* as he hath made his *Tyrant*, vvere to be found, The people ought not (*quocunque queſito colore, upon no pretext vvhatſoever* to take Armes againſt theire lavvfull Soverai gne); yet (taking it for good and Orthodoxe Divinitie) I conceave there needeth no other Argument but the reciting of his *Tyrant* to make good my *Aſſertion* that the Caſe vvould no vvay concerne the *King*. But the VVickedneſſe, Malice and Danger of this Tenent (beſides the falſeneſſe of it) is, That (haveing once conſtituted a Poſition, *That by the People the Prince may be hoſtilely reſiſted in ſuch and ſuch Caſes*, and *being in ſuch or ſuch a degree vvicked and the people likevviſe thereof to be the Iudges*) there is a latitude left to every *Sect*, to every mans *Paſſion*, or to every mans *Intereſt* to *fancy* to himſelfe, that vvhat diſliketh him, is *Impietie, Hereſie* or *Oppreſſion*, And to Iudge of the meaſure of his Princes vvickedneſſe; or if he be not vvicked enough,

enough, yet to reſiſt him by vvay of prevention, leaſt he ſhould become ſuch: For he ſaith not long after *That Tyranny is like an Hectique Feaver, vvhich at the beginning is eaſie to cure, but hard to diſcover, but aftervvard is eaſily knovvne but is become incureable, and therefore muſt be timely prevented.* But leaving the *vvickedneſſe, danger* and *falſeneſſe* of this Doctrine to be conſidered of, (admitting it vvere good and true, as is before ſaid) let us examine hovv it is applicable to our preſent Caſe. He ſuppoſeth his *Tyrant*, to *be an Enemy to God and Man vvith ſo many other Attributes of vvickedneſſe and impietie*, That *Nero, Caligula, Domitian, Iulian* the *Apoſtate*, *Phalaris and Dionyſius* may vvell be ranked in his middle number of Princes, that vvere not of the vvorſt, And I conceave that *Treaſon* and *Malice* it ſelfe vvill abhorre the application, in any ſort, of his deſcription of a *Tyrant* unto the *King*, and ſo conſequently of this nevv Doctrine, to our preſent Caſe.

For my ſelfe I muſt avovv it, that by vvhat I have read in the above-cited Author, in *Buchanan*, in *Suarez* and *Mariana*, and vvhat our Contryman Biſhop *Bilſon* hath vvritten, I vvas much confirmed in my Opinion of the unlavvfullneſſe of taking Armes againſt the King: * For *all rules vvith Exception confirme in all things, but in the things excepted.* And all theſe Authors vvrite vvith great ſtrength, againſt Reſiſtance and taking Armes againſt the Prince but only in the Caſe of *Tyranny*, and the *Romaniſts* in Caſe of the Popes *depoſing* of them; The latter vvhereof (neither being, nor admitted if it vvere) I ſhall lay aſide, And ſhall only ſhevv hovv far the *King* is from any of theſe VVickedneſſes and Impieties of vvhich they compoſe theire Tyrant.

* *Exceptio firmat Regulam in non exceptis.*

I vvell knovv that Kings are Men made of the ſame Paſte of fleſh and bloud vvith others, and ſubject to the ſame vveakeneſſes and to the ſame paſſions, And (as *Brutus* ſaith,) our reaſon can no more be ſevered from our ſaid paſſions and infirmities then the ſoule can be from the Body vvhileſt the man is yet living, And thereupon ſaith, *VVee muſt not expect to have Princes againſt vvhom nothing can be ſaid, but vve muſt thinke that all goeth vvell vvith us, if they be, moyennement bons, Middlin-*

gly good. And *Commines* ſaith *That a Prince vvhoſe virtues exceed his vices, ought to be eſteemed & ſtiled a good Prince.* And of Princes it is a good rule, *Optimus eſt qui minimis urgetur, He is beſt that hath the fevveſt faults*; for ſome faults, being Men they vvill all have. And certainely vvhoſoever ſhall rightly knovv the King and be acquainted vvith his irreproveable Courſe of life, his conſtant and dayly practice of devotions of Pietie, vvill not deny him the Title of a *right good Prince*, And ſo, (notvvithſtanding his misfortunes and the unſucceſsfullneſſe of his affaires) he vvilbe eſteemed vvhen he ſhalbe rightly knovvne, and conſidered vvithout prejudice, as he is unto me, by reaſon of my long and neare Attendance about his Perſon, and of vvhom I vvill be bold to ſay vvithout flattery, That (having by the ſpace of allmoſt Forty yeares bin converſant in moſt of the Courts of the *Princes of Chriſtendome* as a publique Miniſter, & bin no uncurious obſerver of the Deportments of the *Princes* of my time) I never knevv any Prince, or ſcarcely any private man, in vvhoſe life there hath bin leſſe reproveable: And vvhat is here ſaid, I conceave vvilbe abundantly ſufficient to ſhevv, that, if this nevv Doctrine of *hoſtile reſiſtance*, vvere admitted for good, it vvould in no kind juſtify it in this preſent Caſe; It being only applicable to the vvorſt of men, vvhen here it muſt be made uſe of, againſt an *exemplary good Man*, and vvho may be juſtly numbred amongſt the *beſt of Princes*, As I doubt not but it vvill clearely appeare, vvhen the truth of many things vvhich have bin ſuggeſted againſt him ſhalbe faithfully ſet dovvne, As there vvilbe occaſion to do in the follovving Diſcourſe.

And ſo I ſhall paſſe to the next religious Obligation vvhereby my Conſcience hath bin reſtrained from taking Armes againſt the King, vvhich is the ſacred Tye of the late *Proteſtation*, and of ſo many ſolemne *Oathes*, vvhereby I have engaged my ſelfe before God *to beare him true Faith, and Alleageance, & to defend his Perſon and all his juſt Rights and Dignities.*

CHAP.

CHAP. V.

Setting dovvne the Obligations and Tyes by Solemne Oaths and Proteſtation of not taking Armes againſt the King.

IT vvilbe eaſily aſſented unto by all ſorts of Chriſtians that Solemne Oaths eſtabliſhed by lavvfull Authoritie and legally adminiſtred, and in a matter that is not *Malum in ſe, abſolutely vvicked*, are the higheſt and ſtrongeſt Obligations that can paſſe from Man to God, from Nation to Nation, from Subjects to theire Prince, or Prince to theire Subjects, or from Man to Man, And this is not only ſo declared in Scripture, but vvas undoubtedly part of that Naturall and Morall Lavv vvhich vvas by God planted in the heart of Man even from the Creation. For vve find it in practice before any vvritten Lavv, and by all Nations, Heathens and Vnciuiliz'd, and alltogether ignorant of the Precepts, either of the old or nevv Teſtament: yet by the light of Nature, they held *Oaths* the moſt *ſacred* of all Aſſurances, and *Perjury* amongſt the moſt execrable and deteſtable of all Impieties. in Append. pa. 17

Novv the Oaths that I and the reſt of the Kings Subjects have taken unto him *for the ſerving of him vvith Loyalty, vvith true Faith and Alleageance, for the Adhering to him againſt all Perſons, for the defending of his Royall Perſon, for the Maintaining and Vpholding of all Rights, Dignities and Prerogatives belonging unto him or annexed to his Imperiall Crovvne*, vvilbe cleareſt expreſt, by ſetting dovvne the Oaths themſelves *in terminis*, vvhich ſhalbe annexed hereunto, for not interrupting too long the ſeries of this Diſcourſe.

Beſides the Oaths formerly eſtabliſhed by Lavv, at the beginning of this Parliament, There vvas a ſolemne *Proteſtation* propounded by the Houſes of Parliament, to be taken by themſelves and ſo through the vvhole kingdome, And vvas allovved of by the King; And this *Proteſtation* vvas by my ſelfe taken in the Houſe of Peeres and ſubſcribed by me, vvherein *I Promiſe*,

Vovv and Proteſt in the preſence of God, as far as lavvfully I may vvith my life, Povver and Eſtate, according to the duty of my Alleagcance, to Maintaine, and Defend his Majeſties Royall Perſon, Honour and Eſtate. Novv hovv the *taking Armes* againſt him and the *aſſailing* and *purſuing* of him in Battle, can be for the defence of his Royall Perſon, or the *ſeizing* of all his Revenevv, for the Maintenance of his Eſtate, or the *diveſting* of him of all Povver and Authority vvith ſo many other ſad things, that againſt him have bin ſaid and done, and vvhich my pen bluſheth to ſet dovvne, can be for the Defence and Maintenance of his Honour; or hovv the Stile of *Majeſty* vvhich in this *Proteſtation* vve give him (the Vſage of him conſidered) can be othervviſe judged of but as a *Scorne* and *Deriſion*, I underſtand not; ſure I am, that I tooke the ſaid *Proteſtation* in earneſt, and vvith an Atteſtation of God, that I vvould faithfully performe it, And ſo by his holy Aſſiſtance I vvill ever do, according to the expreſſe vvords in the ſaid *Proteſtation*, vvith my *Life, Povver and Eſtate.* Neither am I in any kind able to conceave, hovv it is poſſible for any Chriſtian Man, that hath taken the former *Oaths*, and *Proteſtation of Adhering, Defending and Aſſiſting of the King againſt all Perſons vvhatſoever* to *ſvvallovv* much leſſe to *digeſt* the *nevv Negative Oath*, vvhich is in the ſubſequent vvords: *I, A. B. do ſvveare from my heart That I vvill not directly nor indirectly adhere unto or vvillingly aſſiſt the King in this VVar, or in this Cauſe againſt the Parliament, &c.* I am likevviſe as much unſatisfyed of the late *Nationall Covenant* hovv it may ſtand or be reconciled to theſe former *Oaths* and *Proteſtation.* But in regard that is a Buſineſſe of great Conſequence and length, I vvill ſet dovvne in a Tract apart thoſe Scruples vvhich hitherto have deterred my Conſcience from venturing upon it.

In Append. pa. ☞

That theſe Oaths have bin eſtabliſhed by lavvfull Authority, they vvere made and enjoined by *free* and *unqueſtionable* Parliaments, vvhoſe Acts (I ſpeake not of *Ordinances*, but of *Acts* vvherein the Royall Aſſent hath concurred) are of that high and Soveraigne Authoritie, that the Lavv admitteth of no Plea nor Averment againſt them, And this I am confident vvilbe

by

by all acknovvledged. They have likevviſe bin legally adminiſtred by the Miniſters, that by the ſaid Acts have thereunto bin appointed and ordeined; And for the Iuſtneſſe and Righteouſneſſe of them, the Confirming of them by ſo many ſeverall Acts of Parliament; by vvhich Lavves no perſon can have à Voice in Parliament, but ſtands to all intents and purpoſes as a perſon that had not bin elected or returned, if he ſit in the Houſe before he have taken the ſaid Oaths; And the continuing of the enjoining of them by the Houſes unto this day, muſt cleare all Diſpute or Queſtion of that kind: For the Houſes do not admit of Members unto theire Houſes, nor Officers into theire Places, untill they have firſt taken the ſaid Oaths, in ſuch ſort, as by the Statutes is ordeined, So that it is cleare, that they are aſvvell as others ſatisfyed in the goodneſſe of them. Beſides, the ſubject matter of theſe Oaths is juſt and righteous in it ſelfe being only in purſuance of thoſe dutyes of Obedience vvhich are commanded us both by the Lavv of God and the Land, and vvhich are *extra juramentum, obligantia, obliging in themſelvves though there vvvere no Oath.*

It is further to be obſerved, That beſides the legall penalties that may be injoined for the refuſing or breaking of theſe Oaths, they conteine ſomthing further then temporall Puniſhment can reach unto, they carry vvith them, *The heavvy Iudgement of God declared in Scripture againſt the breakers of ſolemne Oathes*; And in this Caſe, there is yet much more added, for vve accompany the breach of them *vvvith the moſt horrid and fearfull Execration that any Chriſtians can dravvv upon themſelvves, renouncing the Helpe and Protection of God Allmighty, and the Benefit of our Redemption conteined in the Holy Goſpell, if vvve faile in the performance of them*; vvhich I underſtand to be *quantum in nobis eſt, if vvve do not indeavvour to do the utmoſt in our povvver to keepe them*: But voluntarily for Feare or Intereſt, not only to breake them, but to do that, vvhich by the very plaine vvords, is contrary to the ſaid Oaths, and is contrary to that ſence in vvhich I tooke them, (as I underſtand the taking of Armes againſt the King to be) vvith many other things of neceſſitie

followving thereupon, I durſt not adventure upon that vvhich my Conſcience judged ſo great an Impiety.

CHAP. VI.

Setting dovvne the unlavvfulneſſe of Hoſtile Reſiſtance dravvne from Humane Lavves.

HAving thus ſet dovvne thoſe Reaſons vvhich deterred my Conſcience from making *Hoſtile Reſiſtance* unto the *King*, vvhich have bin deduced out of the vvord of God, the Doctrine and Practice of holy Men, and the Obligation of ſacred Oaths, I ſhall novv propoſe my Scruples dravvne from humane Lavves, but eſpecially from the Lavves of our Kingdome.

By the Common Lavv of *England* many things vvere Treaſon; But becauſe the Common Lavv is not compoſed in one intire body or Text, and it vvas difficult for the unlearned and Lay-People to informe themſelves exactly and diſtinctly vvhat vvas Treaſon and vvhat vvas not, the goodneſſe of the King and the vviſedome of the Parliament in the time of *Edvv.* the 3. vvas ſuch, that for the avoiding of the inſnaring of the People, in ſo high a Penaltie and Deſtruction as followveth the being cõvicted of Treaſon, It vvas thought fit that all thoſe things vvhich for the future ſhould be eſteemed or adjudged Treaſon, ſhould be particularly and diſtinctly ſet dovvne in one Lavv, and excluſively to all things elſe; vvhich vvas accordingly done in the Statute of the 25. *Edvv.* 3. And in caſe it ſhould ſo fall out, that any Matter ſhould ariſe, beſides thoſe particulars ſpecified in the ſaid Statute, No Iudgement ſhould paſſe thereon, but it ſhould be reſerved till the next Parliament, But for thoſe Caſes in the ſaid Statute expreſſed they vvere enacted to be *Treaſon*, and ſo to be adjuged by the ordinarie courſe of Iuſtice.

And in regard that in the troubleſome and diſorderly time of *Richard* the 2. the prevailing party (vvhich ſtill ſvvayed the Parliamẽt) had made and unmade many ſeverall Treaſons as ſuited to the Deſignes and Intereſts of thoſe that had the Povver: In the firſt

firſt yeare of *Hen.* the. 4. all thoſe nevv-ſprung-up Treaſons vvere revoked and aboliſhed, and Treaſon againe reduced to the Statute of 25. *Edvv.* the 3. The like incóveniences grovving in the VVars betvvixt the Houſes of *Yorke* and *Lancaſter*, and aftervvards by the fierceneſſe of *Hen.* the 8. vvho upon the alterations he had made in Religion, had ſo inſnared the Subject that the *Proteſtants* of the reformed Religion could not (by reaſon of the ſixe Articles) eſcape the Fire, nor the *Romane Catholiques* (by reaſon of the Oath of Supremacie) the Halter; VVhereupon it vvas againe deſired by the Houſes, that *Treaſon* might be reduced into a certaintie, according to the Statute of the 25. of *Edvv.* the 3. vvhich vvas accordingly ſo enacted the 2. of *Phil.* and *Ma.* And all theſe three Statutes, 25. *Edvv.* 3. 1. *Hen.* 4. and 2. *Phil.* and *Ma.* are yet in force; In vvhich *the Attempting of any thing againſt the Kings Perſon, the Adhering to the Kings Enemies, The leavying VVar againſt the King, The ſeizing of any of his Forts or his Ships Royall, The Counterfeiting of the Kings Hand or his great or priuie Seale*, vvith many other particulars are ſo explicitely and clearely enacted to be *high Treaſon*, That vvhoſoever ſhould be guilty of the Fact, vvould have as ill a Plea to plead That *Iunius Brutus, Buchanan*, or any of our *nevv Doctors* did hold and mainteine by their vvritings, *That it is lavvfull in ſuch and ſuch Caſes to take Armes againſt the King*, and ſo conſequently in all the other particulars ſpecified in the ſaid Statute, As a Felon that had rob'd upon the high vvay vvould have to plead, that *Theft by the Lavv of God is not puniſhable by death*, for vvhich he vvould not vvant likevviſe his *Authors. But ſuch as have bin acquainted vvith the Courſes held vvith thoſe that have bin Indicted and Arraigned for Treaſon vvill knovv, That to be proceeded againſt only upon the plaine and cleare letter of the Lavv, is to have favourable Iuſtice; And he ſhall have the Kings *Atturney* and the learned *Counſell* vvith Eloquence and great ſtraines of VVit, by *Deductions* and *Inferences* (as though they had loſt the day, if the Accuſed ſhould be acquitted) ſtretch the literall Text beyond vvhat it can rationally or honeſtly beare, and ſpeaking (as they ſay) for the King, no man dares reprove

See the Stat. in Append. pa. 19

*Lod. Vives.

reprove or reſtraine them. But to ſuppoſe that any Allegation of Conſcience, or the Opinion of learned Authors (nay if it vvere Texts out of Scripture againſt the explicite letter of the Lavv, vvould be heard or admitted) vvere a great Ignorance. But he vvould be told, as I knovv ſome have bin, That all other things vvere *Matters dehors, Nothing to the purpoſe*; The Iſſue vvas only *factum* or *non factum*, And truly vvofull experience had taught me to be vvarie in humane prudence, not to imbarque my ſelfe in a Buſineſſe vvherein my Conſcience vvas not only altogether unſatisfyed, but if I ſhould ever be brought to a legall Tryall upon it, mine ovvne Iudgement told me, I could have nothing to ſay in mine ovvne Defence or Iuſtification; or that could preſerve my Selfe and Poſterity from totall Ruine and Deſtruction but Prevailing and Victory. VVhich at the moſt, could but *protect*, but could not make a bad Cauſe good:

But beſides humane Prudence and feare of Puniſhement, there is a Conſcientious Tye of *obeying the Lavv*, vve being taught to *obey, not only for vvrath bnt for Conſcience ſake*. S. *Paul* ſaith *That if there had bin no Lavv, there had bin no ſinne*; vvhich ſhevveth That the *breaking* of juſt lavves and legally eſtabliſhed, is *ſinne*. For the Supreame Povvers therein are cheifly diſobeyed vvho are ſuppoſed to command more Authoritatively by theire *Lavves*, then by theire *Verball Commands*.

If all ſinne be the tranſgreſſion of ſome law, I would be ſatisfyed how men are become Delinquents & have tranſgreſſed againſt no law.

Further, as the Lavves are ſo poſitive againſt *Reſiſtance* and *taking Armes againſt the King:* ſo likevviſe have the Lavves bin as carefull to *Protect* and thereby to *Incourage* the ſubject to adhere unto theire King: for it is provided by the Stat: 11. of *Hen.* 7. Cap. 1. *That from henceforth no manner of perſon or perſons vvhatſoever he or they be that attend upon the King and Soveraigne Lord of this Land for the time being in his perſon, and do him true and faithfull ſervice of Alleageance in the ſame, or be in other places by his Commandement in his VVars vvithin this land or vvithout: That for the ſaid deed and true duty of Alleageance he or they be no vvviſe Convict or Attaint of high Treaſon, nor of other offences for that Cauſe, by Act of Parliament, or other vvviſe, by any Proceſſe of Lavv, vvhereby he or any of them ſhall looſe or forfeit Life, Land,*

Land, Tenements, Rents, Poſſeſſions, Hereditaments, Goods, Chattells, or any other things, but to be for that deed and ſervice utterly diſcharged of any Vexation, Trouble, or Loſſe. And if any Act or Acts, or other Proceſſe of the Lavv, hereafter thereupon for the ſame happen to be made contrary to this Ordinance, That then that Act or Acts, or other Proceſſe of the Lavv, vvhatſoever they ſhall be, ſtand and be utterly void. Provided allvvayes That no Perſon or Perſons, ſhall take any benefit or advantage by this Act, vvhich ſhall hereafter decline from his or theire ſaid Alleageance.

So that if they that have ſerved the King vvith Fidelity according to the Lavv, ſhall by theire prevailing fellovv-Subjects be *attainted*, and theire Eſtates *forfeited* and *diſpoſed* of at theire pleaſure, It muſt be by ſome ſuch *Tranſcendent Povver*, as muſt be above all Lavves: For as by the Lavv, *no Subject ought either to be attainted, or looſe his Eſtate, for ſerving the King in his VVars*; ſo can no Confiſcations, by the Lavv belong to any, but unto the King, or ſuch as derive theire Right from him. It is true, in the Heat and Conteſtation of VVar, it is uſuall, that vvhatſoever Goods or VVealth, the ſouldier can lay hands upon, is (*de facto*) eſteemed good Purchaſe; But after the VVar is ended, the Lavv uſeth then to recover her Force. And ſetled Inheritances in all former Civill VVars in *England*, have never bin diſpoſed of by the Arbitrary Povver of the prevailing Partie, allthough they vvere *Kings* claiming the Crovvne by Title and might have Right to Confiſcations, but by legall Convictions and due Courſe of Lavv; much more in the Caſe of *Subjects taking Armes againſt theire King*, vvhich is allvvayes (in the beginning) ſtiled and proclaimed *Rebellion*, by the King that they *Oppoſe*, untill Succeſſe or Treaty qualify that Name, That they ſhould not content themſelves vvith a Generall Pardon, and Act of Oblivion, and the ſettlement of the Governement for the future, to theire reaſonable Content and ſecuritie for themſelves & theire Eſtates; But that Inheritances muſt be *confiſcated* and *diſpoſed of* by them, and ſuch perſons as they ſhall pleaſe, vvithout legall Tryall, and as it vvere by *Proſcription* or *Decimation*, be by a Vote deſigned to *loſſe of Life and Eſtate vvithout Pardon or*

Mercy; VVhat greater Cruelty could have bin uſed tovvards them, if they had falne into the hands of the *Turke* or moſt mercileſſe Conquerour? eſpecially if it ſhall be conſidered, that in this Caſe no Neutrality could be admitted, nor the moſt peaceable minded man avoyd the being ingaged. For as by the Lavv it is *Treaſon to take Armes againſt the King*, by the above recited Statutes, ſo by the Statute of the 19. *Hen.* 7. *It is loſſe of all Honours, Caſtles, Lordſhips, Mannors, Lands, Tennements* and *other Hereditamēts, &c. not to take Armes for the King, and not to follovv him in his VVars againſt his Enemies or his Rebells*; vvhich the Subject (*de bene eſſe*) is to underſtand to be ſuch as the King proclaimeth to be *Traitors*; Not that a *Proclamation* maketh them ſo; but the Subject is ſo to eſteeme them untill they be brought to a legall Tryall.

The moſt miſerable condition of the Kings Loyall Servants by no prudence to be prevented nor they by any Innocencie to be preſerved.

So that there never vvas a harder Condition, nor more unavoydable, then this of the Kings preſent Loyall Subjects, vvho ſhould have beene *Traitors* by the Lavv if they ſhould have taken Armes againſt the King: And ſhould likevviſe looſe theire *Lands, Honours, Caſtles, &c.* if they did not fight for him; And yet contrary to the Lavv, *Providing that no man ſhould forfeit Life or Eſtate for ſerving of the King*, He ſhall by an Arbitrary Powver of his fellovv Subjects be condemned to looſe both, vvithout *Pardon* or *Mercy*; for doing that, for vvhich he muſt have loſt legally both Life and Eſtate (and his Soule to boot) if he had not done it.

CHAP. VII.

The Motives deduced from Honour, Honeſty and Gratitude of not forſaking the King in his troubles.

BEſides the Obligation formerly ſet dovvne deduced from the Lavv of God, and the poſitive Lavv of the Kingdome, there is a third Lavv, vvhich hath a great Authority in the hearts of all generous and noble-minded Men, vvhich is the Lavv of *Honour* and *Gratitude*, vvhich Lavv I conceave to be a Branch

of

of the Originall and firſt Lavv, *The lavv of Nature*; For it hath had and ſtill holdeth a Value and Reverence through all Religions, as it hath done through all times;

I muſt confeſſe this Lavv hath bin and is in ſome kindes too high lifted up, and is become the *Idoll* of many mens fancies, vvho pay unto it a more exact Obedience, and are more carefull not to tranſgreſſe againſt it, then they are not to offend God or the Lavves they live under, vvhereof vve have dayly too many Preſidents, vvhen men rather then to be failing in Point of Honour, vvill upon frivolous provocations, decline all duties to God and man, and ſacrifice to this *Idoll* oftentimes the hazard of theire Lives and Fortunes, together vvith theire ſoules: But this is an Exceſſe and Excreſcency of *Honour* and *Courage*, in the Iuſtification vvhereof I knovv nothing that can be ſaid; In the excuſe of it, it is to be hoped, that in ſo generally receaved an Errour, vvhereby men become Infamous, and ſcarce fit for honeſt Company that comply not therein, Cuſtome and Vniverſallity may allay and mitigate the Offence: But that Honour vvhich I ſpeake of, is better expreſt by plaine *morall honeſty* and *Gratitude*, vvhen neither Feare nor Diſadvantage ſhall drive us or vvithold us from juſt Duties; Nor the Misfortunes or Diſtreſſes of thoſe to vvhom vve have had former obligations, make us leave and forſake to be Aſſiſtant and Serviceable unto them in all juſt and lavvfull things, allthough it be to our ovvne Hinderance, or that vve can expect no further good or advantage by them. And herein my Caſe is different from the common Caſes of Subjects, being more particularly bound unto *Gratitude* by many Benefits; and unto *Honeſty*, *Affection* and *Fidelity* by my Service in places of greateſt Truſt about the King, both for nearneſſe to his Perſon as a Gentleman of his Bedchamber, and as a Servant confided in as a priuy Concellour.

As for *Ingratitude*, it hath bin at all times ſo deteſtable, That to the Reproach of being ingratefull nothing can be added. And the *betraying* or *forſaking* of a mans Maſter in his Diſtreſſe, hath ſo great a Relliſh of the *Iudas*, that no noble and generous Heart, vvould for any earthly Reſpect, do any thing that might

ſeeme

ſeeme to be like it, or be in hazard of being miſtaken for it. For mine ovvne part, I do ingeniouſly confeſſe; that, had I no Precepts of the Lavv of God, no Tyes by the Lavv of the Kingdome nor Horrour of Cóſcience for breaking thoſe ſacred Obligations into vvhich I vvas entered by taking ſo many ſolemne Oathes; yet *Gratitude* and *Honour* ſingly ſhould have bin unto me of ſo high Recommendation, That no Reſpect of my *Life*, *Fortunes* or *Poſteritie*, ſhould have made me lift up my Hand againſt my King, or to have forſaken my Maſter in his Miſeries and Diſtreſſe.

I have had the Honour to have ſerved this King and his Father by the ſpace of more then forty yeares, and vvas by his Father from a yonger Brother of a Gentlemans Family, raiſed by his Goodneſſe (above my Merit) to the Dignitie of an *Earle*, and a Conveniency of Subſiſtance in that Quality. I vvas truſted by him in ſeaven Ambaſſages, and called to his priuy Counſell, recommended unto the Prince his Sonne as a Gentleman of his Bed-chamber, and (vvhich vvas above all theſe Obligations) I vvas admitted to more then an ordinary meaſure of his Truſt and Confidence. And certainly theſe great Obligations from the Father could not but imprint *Gratitude* in my Heart tovvards the Sonne, eſpecially He being novv become my King and Maſter, And ſo by all the Oaths that I had taken to the Father, I vvas likevviſe by them obliged to him as his Succeſſor.

But beſides theſe Tyes of *Gratitude*, I muſt Proteſt that vveighing and conſidering impartially the Kings Actions, either as they relate to his Governement as a King, or his Perſonall Deportments as a Man (ſetting Conſcience aſide, and that I had not bin thereby reſtrained) I could never find any thing that could ſatisfy my Iudgement in point of Morall Iuſtice or right Reaſon for *the taking Armes againſt him*. I muſt and do confeſſe that ſome things and too many vvere ill done by the Kings Miniſters, and the Subjects Propriety and Libertie might have run great hazard under an ill Prince, by thoſe vvayes that vvere then ſet on foot. For to ſpeake freely my ſence, by the Principles then receaved, all vvas put into the Kings hands; for Neceſſity vvas made

made Maſter of all, and of that Neceſſity, the King vvas made the ſole Iudge, (and Princes may eaſily miſtake theire ovvne private VVants for publique Neceſſity) But from this Exceſſe, little of the fault can vvith Reaſon be charged upon the King, and leſſe ground for the taking of Armes; For it is vvell knovvne, (the King having bin unſeaſonably imbarqued in VVar both vvith *France* and *Spaine*) his Treaſure vvas vvholly exhauſt and he vvas reduced to great ſtreights. The King called divers Parliaments but they proved ſo unhappy, that tvvo or three of them vvere diſſolved in great diſorder, and the Kings VVants vvere not *releived* but the King and his People parted vvith little ſatisfaction on either ſide. The King then being enforced to uſe all indeavours for his Releife in theſe his great VVants, conſulted vvith the Officers of his Revenevv, and his learned Counſell, vvhat Courſe vvas to be taken for his Supply vvithout calling a Parliament, For it had bin voted at the Councell-Table, That the Calling of a Parliament vvas not then fit or ſeaſonable. And at the breaking off of the laſt Parliament before this, An. 1640. It had bin declared by ſome of the Kings Miniſters in the Houſe of Commons, *That if the King vvere not ſupplyed by Parliament, he muſt and vvould betake himſelfe to nevv Counſells*, The plaine Engliſh vvhereof vvas underſtood to be, That the King vvould finde out ſome other Courſe for his ſupplies, vvithout making uſe of his People in Parliament. And this Opinion that Parliaments vvould for ſome time be laid aſide, gave Boldneſſe and Incouragements to all Promooters and Projectors to ſet on foot many *Monopolies* and *Projects*, vvhich vvere yet ſtill countenanced by the colour and pretence of Lavv; Amongſt the reſt, and indeed ſtriking at the *Root* of the Subjects Proprietie, vvas that of the *Ship-money* brought forth. *And the Atturney *Noy* hath the name to have bin the father of it. He vvas in his time held a great *Oracle of the Lavv*, and had bin in former Parliaments a great *Patriot and Propugner of the Subjects Libertie*; and his Opinion vvas of *high Authority* in point of Lavv vvith the King and vvith all Men: He aſſured the King that there might be meanes found out of the Kings ovvne, (eſpecially in times of

*In vvhat ſort the project of the ſhip-money vvas ſet on foot, the fault vvhereof, cannot vvith any Juſtice be attributed to the King.

Neceſſity) for him to ſupply himſelfe juſtly, and according to the Lavv, And ſo propoundeth this Project of the *Ship-money*. The King relyed not upon the ſingle Opinion of his Atturney, But as a good Prince ought to do, He tooke the further Advice of the *Iudges* vvho are his proper Counſell in matters of the Lavv, and vvith vvhom he ought to Conſult And they are ſvvorne to *Counſell him faithfully*, The Major part of them, vvhich involveth the reſt, approved this Project as legall, But the King vvould not content himſelfe vvith theire *Verball Advice*, But required the then *Lo. Cheif-Iuſtice* and the *Judges* to ſet dovvne the Caſe, and theire Opinions of it under theire hands, vvhich they did accordingly. So that it being to be preſuppoſed that the King (more then in the points of adminiſtring Iuſtice) cannot have a diſtinct knovvledge, either of the Extent of his ovvne Prerogative, or the abſtruſe Caſes of the Lavv, In a point ſo much concerning him, as the releiving of him in his great VVants by vvayes avovved to him to be *juſt* and *legall*, vvhat more upright or prudent Courſe could a Prince take, then to be adviſed, (not by young Men, or Favourites at Court) but by his *learned Counſell*, and his *grave Iudges*, ſvvorne to adviſe him faithfully according to theire beſt ſkill, vvho if they have behaved themſelves vvickedly or corruptly, upon theire heads let Iudgement light, But let the King and his Throne be free. But many Men conceaving (and not vvithout Reaſon) That this private and extrajudiciall Opinion of the Iudges, vvas not to be a *binding Rule*, did not *acquieſce* therein, but did *refuſe* the Payment of the *Ship-money*, and did indeavour to defend this theire *refuſall* by a due and legall vvay of Proceſſe and particularly M^r. *Iohn Hamden*. And the Buſineſſe vvas brought to an Iſſue, and to a publique Tryall in the *Exchequer-chamber*, vvhich is the higheſt and ſupreameſt Iudicature (under the Parliament) vvhich the Kingdome of *England* knovveth in point of Lavv; for it is a Court compoſed of all the Iudges of the ſeverall Tribunals, for the ending of ſuch difficult and dubious Caſes, as have not bin formerly over-ruled, or vvherein there is found a difference in Opinion amongſt the Iudges themſelves; And herein the

the Counſell on both ſides, vvhether the Caſe be betvvixt Partie and Partie, or the King and Subject, do not only *plead* but *argue* the Caſe in Lavv, and the Iudges do commonly before they give Sentence, *argue* themſelves the Caſe, in point of the learning of the Lavv, All vvhich ſolemnities paſſed in this Caſe, vvithout any Interruption by the King; and after divers dayes *hearing* and *arguing*, Iudgement paſſed for the King by Plurality of Votes, for the fevver Votes are involved in the Iudgement of the Major part, as there is a neceſſitie they ſhould be in all Counſells and Iudicatures, othervviſe Controverſies could not be ended, unleſſe there vvere an unanimous Agreement in all that had Votes, vvhich ſeldome happeneth. But in this Caſe three parts of fovver Agreed in the Iudgement for the King; So that if the Iudges have erred novv in Iudicature, being ſvvorne *to do equall Iuſtice betvvixt the King and the Subject*, as they did before in theire Advice unto the King, being ſvvorne *to Counſell him faithfully*, the greater is theire fault and Offence; but I muſt confeſſe I am not able to ſet out the Kings Tranſgreſſion.

This Caſe yet paſſed further, For it being brought into the Parliament by vvay of Greivance, the Iudgement vvas not only *reverſed*, all Records *burnt*, and all Courſes *given vvay unto* by the King, vvhich the Houſes themſelves could thinke on, That no ſuch Exceſſe might be attempted againe in future times: But the *Lord Keeper* and the *Iudges*, vvere (vvithout any Interpoſition of the King) left unto the Iuſtice of the Parliament, And the *Lord Keeper* and divers of them, vvere by the Houſe of Commons impeached of *high Treaſon*; So the King *having no hand* in the ſetting it on foot, nor in the erroneous Iudgement, nor *having protected* the Parties culpable from Puniſhment, But the greivance being *redreſſed* and ſufficient Caution and Proviſion aſſented unto by the King, for the *preventing* of the like for the future, I could not deduce from hence any Argument of the Kings intention *to ſubvert the Lavv*, or of any juſtifiable ground of *taking Armes againſt him*.

And vvhat is ſaid in this Caſe of the *Ship-money* doth likevviſe hold in the Caſes of *Monopolies*, vvhich are allvvayes ſuggeſted *The fault of Monopolies, not*

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to be attributed to the King, but to evill Ministers and Referrees.

to be for the *good* of the Subject as vvell as *legall* and *beneficiall* to the King, vvho never *granteth* any of them vvithout *Reference;* In point of *Conveniency* or *Disadvantage* to the Subject, they are usually referred to some of his privy-Counsell, In point of Lavv, to some of his learned Counsell, In point of his *Benefit*, to some Officers of his Revenevv, VVho if they have *erred* or vvere *corrupted*, and the King by theire *ill Advice* dravvne to passe any *vnfit* or *illegall* thing, I have knovvne the Parliamẽts for the space of these forty yeares, addresse themselves by *Petition* unto the King for *Redresse*, but unto the Referrees for the *Fault*; and the Causers of the Greivances. And if they could get the said Greivances *redressed* and the Referees *brought to punishment*, they allvvayes esteemed it so gratious a Proceeding from the King tovvards them, that usually it vvas ackovvledged vvith the returne of some Gift or supply: But that any Argument should be deduced from thence, of any Intention in the King *to subvert the Lavves*, I never knevv it, Neither have I knovvne that the King hath ever proceeded in matters of this kind, but in the manner here set dovvne. And in this Parliament all Projects and Monopolies vvere put dovvne, and all men that either had a Hand or Interest in them, (unlesse it vvere such as the House of Commons thought fit, for Causes knovvne unto themselves to passe by) vvere left unto the Iustice of the Parliament, vvithout the Kings Protecting or Interposing for any one of them.

CHAP. VIII.

A vindication of the King against that false and injurious Aspersion of unsettledneſſe in his Religion.

THe second maine and important point that hath bin made use of to the Kings Disadvantage, and by vvhich the Hearts of the People have bin most alienated from him, vvas cheifely by ill informed Ministers in the Pulpit, vvho have most vntruly suggested an unfirmneſſe and unsetledneſſe in the King in point of

his Religion, and an inclination in him to overthrovv the *true reformed Proteſtant Religion* eſtabliſhed by the Lavves of the Kingdome, and to introduce *Poperie*. This I muſt confeſſe vvas ſo far from planting in me any thing to the Kings Prejudice, That by ſo much the more it confirmed me in my Duty and Affection tovvards the King, by hovv much of mine ovvne knovvledge this vvicked Aſperſion vvas *falſe* and *injurious*: For in that point of the Kings Religion, fevv men living had the Cauſe, or could have the meanes to be ſo perfectly informed of it as my ſelfe. For beſides that from his youth upvvard I had bin an eye-vvitneſſe of his *Education* being in the King his Fathers time admitted as a Gentleman of his Bed-chamber, I vvas for divers yeares imployed in the Treaty of a Marriage for him, vvith a *Princeſſe* of a differing Religion, And vvas to that purpoſe his Fathers Ambaſſadour in *Spaine*, vvhen the King (then Prince) arrived there in Perſon, And it is true that the *Spaniards* had conceaved great hopes of his becomming a *Romiſh Catholique* (vvherein there vvanted not incouragements both from divers in England and from ſome about him) and for the effecting of it, there vvas no Induſtry omitted by them, but the learneſt men in *Spaine* vvere imployed to ſatisfy him; And he vvas by *Artifice* brought to a ſet Conference vvith the ſaid Divines upon Tearmes of great Diſadvantage: For one *VVadeſvvorth* that had bin an Engliſh Miniſter, and vvas then become a *Romiſh Catholique*, vvas put upon him for his Interpreter, neither had he the Aſſiſtance of any learned man vvith him: Yet gave he ſo good an Account of his ovvne Religion, and anſvveared ſo pertinently the Objections of the others, as vvas much beyond the expectation of all that vvere preſent at the ſaid Conference. But ſeeing himſelfe ſtill preſſed in that kind, Although the King of *Spaine* aſſured him, that vvith this one thing all difficulties vvere overcome, and that he vvould ſigne him a Blancke in all things elſe; yet not to entertaine them vvith any further hopes, he poſitively declared his Reſolution to remaine unremoveable in his ovvne Religion; and vvould aftervvards admit of no more Conferences in that kind. And certainly if any earthly conſideration could

have bin prevalent vvith him, he had then ſuch Motives as might have vvrought upon him. For beſides the Diſgrace of failing in in his firſt Enterpriſe, (eſpecially an Enterpriſe of Love and in his ovvne Perſon) the *Princeſſe* vvas of that Merit, and her Value of him ſuch, And his ſatisfaction of her Virtue and his affection to her Perſon ſo great, that nothing but *point of Religion* could have made him leave her behind him: For it vvas declared unto him, That in Caſe he vvould conforme himſelfe in *point of Religion*, no *Diſpenſation from the Pope* vvould be then needfull, but the Marriage ſhould be conſummate vvithout any further expectation from *Rome* as ſoone as he ſhould deſire it.

But he thereupon declared that he vvould rather expect the *Diſpenſation*, and reſolved to imploy his indeavours that vvay, and ſo preſently ſent one Mr. *Andrevvves* (a Servant of his) to *Rome*, to cauſe Mr. *George Gage* (that vvas then there ſolliciting of the *Diſpenſation*) to procure the diſpatch thereof vvith all poſſible diligence, and Letters vvere vvritten unto him by the Princes Order to deſire him, that if there vvere at *Rome* any Opinion of the Princes becomming a *Romane Catholique*, and upon hope thereof any Retardment of the granting of the *Diſpenſation*, he ſhould undeceave them in that point, and preſſe the *Diſpenſation* upon *the Articles of Religion* agreed upon; The Prince vvas then moved by the *Spanniſh Miniſters* to vvrite unto the *Pope* in anſvvear of ſome Letters vvhich the *Pope* had ſent unto him, and to move him for the granting of the *Diſpenſation*, and the Letters vvere brought ready dravvne unto him, and ſome paſſages there vvere, from vvhich ſome hope might be gathered, that in time, vvhen it might be thought more ſeaſonable then at the preſent, (leaſt it might be thought he had changed his Religion for a VVife) he vvould not be unvvilling to receiue further ſatisfaction in the *Catholique Religion*; all vvhich he ſtrooke out, and vvrote only *a Letter of Ciuility*, ſuch a one as he thought fit to vvrite to one, from vvhom he vvas to receive favour in a Buſineſſe that he moſt deſired, and vvithout vvhom there vvas no poſſibility of obteining it, unleſſe he vvould have conformed himſelfe *in point of Religion*, vvhich he being reſolved not to do,

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he thought it fit to apply himſelfe unto the *Pope* by all faire and amiable meanes, and particularly in promiſing not to be *ſevere* againſt thoſe of his Religion, thereby to facilitate vvith the *Pope* the granting of the *Diſpenſation*: All vvhich Diligences he might have excuſed by his *Conformity*; for then no *Diſpenſation* vvould have bin needfull, And hereby no further hope remayning either in the Court of *Spaine* or at *Rome* of his altering his Religion, the *Diſpenſation* vvas granted upon *the Articles formerly agreed on in point of Religion*. Theſe letters have bin publiſhed and tranſlated into ſeverall lãguages, vvhich though I cannot ſay corruptly, yet ſtrained as much as might be to his diſadvantage. And it is probable that the like Letters of Complyance to the *Pope* may have bin procured in the Treaty of the Match vvith *France*, vvherein the *Popes Diſpenſation* vvas likevviſe held neceſſary: But all are Arguments of the Kings firmneſſe in his Religion, vvhen he vvould rather undergoe the trouble and delay of the *Diſpenſation*, then by his *Conformity* to have effected vvhat he deſired vvithout any difficulty or further hazard; and this hath bin fully confirmed ever ſince, by his profeſſion and living in the *Reformed Religion eſtabliſhed in the Church of England*, from vvhich no man can ſay vvith truth, that he hath prevaricated in the leaſt Title.

Beſides this great proofe of his firmneſſe and ſettledneſſe in his Religion, his conſtant and dayly Practice both in Publique and Private in the exerciſe of his Devotions, may and ought to give ſatisfaction to all that conſider him vvithout prejudice; For his reſorting tvvice every day to publique Prayers, and tvvice a vveeke at leaſt to Sermons, and his frequent receiving of the Holy Sacrament, is publiquely knovvne unto all; but his private Devotions to thoſe only that are of nearer Attendance about his Perſon, vvho vvell knovv that he never faileth morning nor evening to retire himſelfe to his private Prayers, and upon Occaſions in the day time beſides, he ſhutteth up himſelfe to his Devotions; Inſomuch that it is knovvne, that upon particular Cauſes, he hath conſtituted to himſelfe ſome Faſts, vvith that ſecrecy, that thoſe neareſt about him have gotten no knovv-

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ledge of it, but by his *Abſtinence*, for God hath given him ſo good a Health, that he neither needeth, nor othervviſe uſeth to forbeare Meales. It is likevviſe vvell knovvne that he hath Compoſed *excellent Prayers*, vvhich he hath cauſed to be uſed ſuitable to the Occaſions, as particularly, *for the good ſucceſſe of the Treaty at Uxbridge.*

Further I may teſtify, and do it in Preſence of God, that in Conference vvith me of great and private Truſt concerning his *preſent ſad Condition*, he hath told me, that allthough he could not but be ſenſible of his ovvne Diſtreſſe, of that of the *Queene*, and of his *Children*, the *Calamity* of the kingdome, and very particularly of his *Freinds*, likely to be deſtroyed for theire fidelity unto him: yet that vvhich moſt afflicted him, vvas *the Apprehenſion of the Ruine and Deſtruction of the Church of England, and of the true Proteſtant Religion*, vvhich he conceaved had the leaſt to be mended in it, and moſt (both in *Doctrine* and *Diſcipline*) agreeing vvith the Primitive Times of any Church he knevv in the VVorld; And I am of beleife, that it vvilbe found of much difficulty to pull from him this Opinion, unleſſe his Conſcience and Iudgement ſhalbe convinced by ſome ſuch learned and unanſvvearable Arguments as he hath not yet knovvne: For although it be very probable that *temporall regards* may make him condiſcend unto *great inconveniences* and *great leſſenings:* yet if I much miſtake him not, that have knovvne him many yeares, no Sufferings or Dangers, nor other vvorldly Conſiderations vvhatſoever, vvilbe of Povver to cauſe him to make *Shipvvracke* of his Conſcience.

And allthough it be very true, that the *Queene* his VVife be moſt deare unto him, and in all other things of greateſt Povver vvith him, yet in matter of *Religion*, his Reſolution to *live* in it, and his Ability to *defend* it, vvas ſo vvell knovvne unto Her and to all about Her, that as they could not but thinke it bootleſſe to Attempt any thing in that kind, ſo they knevv they could not eſſay it vvithout Offence.

And allthough he hath allvvayes indeavoured to breed up the *Prince* his Sonne in great Duty and Reverence to the *Queene* his Mother,

Mother, vvith a ſtrickt Command unto him to be *obedient to her in all things*; yet it hath allvvayes bin vvith this Reſtriction, *Except it be in point of Religion*, And upon my ovvne knovvledge, I dare and do deliver this for a poſitive Truth.

So likevviſe the *matching* of his *eldeſt Daughter* to a *Proteſtant Prince* (though not of the Ranke of Kings) may be judged as a great Argument of his love to the *Reformed Religion*. Beſides, in the beignning of theſe troubles, knovving this malitious ſuggeſtion caſt upon him, he ſet forth a *publique Manifeſt* unto the *Proteſtant Churches* to *vindicate* himſelfe from that *ſcandall*, and to *aſſure* the VVorld of his *Conſtancy* and Reſolution to *live* and *dye* in the *Reformed Religion*.

And as for his Piety in this his Profeſſion, the Scripture ſaith, *Shevv me thy Faith by thy VVorkes*, And vvhat greater Argument of *Religion* and *Piety* can there be to man vvho cannot ſearch into the Heart, (to God that only belongeth) then a temperate, ſober, good Life and Converſation. VVhat blood in his Reigne, hath bin *ſacrificed* to his VVrath or Revenge? VVhat Confiſcations have *enriched* his Treaſure? VVhat noble Family hath bin *diſhonoured* by his Luſt? VVhat incouragement hath Vice, Exceſſe, or Licentiouſneſſe *receaved* from his Example? Nay I am perſvvaded, that it vvill much trouble his Enemies, yea Malice it ſelfe, to find out the Vice vvherevvith to *reproach* his Life: yet hovv many *Shimei's* have *reviled the Lords Anointed*, of vvhom vve are taught *not to ſpeake ill in our Bed-chambers*? And vvhen Cauſe of ſpeaking ill againſt him hath bin vvanting, they have ſet him up as a *But* before them for theire ſcurrilous *VVits*, *Libells* and *Hue and Cryes*, *&c.* I am far from *charging* the Houſes for having a hand in theſe *lovv* and *unvvorthy* things, only I ſhall ſay, that it is poſſible for private Errors to become publique Faults, *non Committendo, ſed non Caſtigando*. It vvas *Elyes* Caſe and Gods Iudgement followed it.

Beſides this certaine knovvledge that I had of the Kings *ſettledneſſe in his Religion*; I vvas far from being *ſatisfyed* in my Conſcience that (if the King ſhould have *changed his Religion* and become a *Papiſt*) it ſhould have bin lavvfull *to take Armes againſt him*.

A Princes Religion ought not to be a ground of Rebellion or diſobedience.

him. For (as *Moulins* aboue ſaith, in the name of the Church of *France*) *VVe ought not from the Religion of our Princes, to take occaſion of diſobedience, making thereby Piety the Match vvherby to kindle Rebellion, &c.*

And vvhen *Hen.* 4. that great King of *France* did leave the *Communion* vvith the Reformed Churches, and vvas *reconciled* to the Church of *Rome* and *conformed* himſelfe to the *Rights* thereof, by going to the *Maſſe* and *performing* all other *Ceremonies*, and *VVorſhip* eſtabliſhed by it; yet thoſe of the *Reformed Religion* in *France* did not thereupon thinke it lavvfull to *vvithdravv theire obedience*, or *take Armes againſt him*, but continued to *ſerve* him vvith all *faith* and *Loyalty*, And ſuch as made thoſe deteſtable Aſſaults, and that Parricide, vvho committed that *horrid and execrable murther* upon his Royall Perſon tooke not theire Incitements and Incouragements from the *avovved* Doctrine of the Reformed Churches, but from the vvritings of ſome hotter headed *Papiſts*, to the great Scandall and Reproach of theire Church, And from the Tenents of our *nevv Puritane Doctors*, vvho by thoſe Maximes (vvherein they both agree) have (inſtead of the Eaſterne Aſſaſſinates) brought in on both ſides theire *Enthuſiaſts*, fitly prepared Inſtruments for *Treaſons* and *Murthers*, by vvhoſe hands ſo many Princes and Kings have fallen, and by vvhoſe Doctrine ſo many States have bin involved in *Rebellions* and *Civill VVars*. So likevviſe upon the ſeverall Changes of Religion in *England* under *Hen.* 8. *Edvv.* 6. *Queene Ma.* and *Queene Eliz.* The *Proteſtants* of the Reformed Religion declared againſt *hoſtile Reſiſtance*, and exhorted to *obedience* and *ſuffering*, and *confirmed* theire Doctrine by theire ovvne *Martyrdome*, as is before ſet dovvne. Beſides, the Precepts of Scripture (of *not reſiſting the Povvers ordeined by God over us*) vvere, to command *obedience* to Princes that vvere all *Heathen*, *Idolaters*, *Perſecutors of Gods Church*. Our *Saviours* Precept vvas, *To give unto Cæſar vvhat belonged unto Cæſar* and vvhat S^t. *Paul* and the *Apoſtles* injoine, vvas tovvards *Nero*. Neither did the Chriſtians take *Armes* againſt *Iulian* notvvithſtanding his *Apoſtacy*; but continued to *ſerve* him, and to *fight againſt his Enemies* vvith *fidelity*

Duke of Guiſe kil'd by Pultrot.
Hen. 3. King of Fr. by Iacques Clement.
Hen. 4. King of Fr. by Ravaillac.
The Prince of Orenge by Balthaſ. Girard.
The D. of Buckingham by Felton.

and

and courage. And I conceave it is the generall receaved Opinion of all moderate Christians, That as Religion *ought not* or (to speake more properly) *cannot* (though Dissimulation and Hypocrisie may) be *planted* by force; so Subjects *may not withdraw* theire civil and naturall Alleageance due to theire Kings upon any *colour* or *pretext* of Religion: For as no private man doth *forfeit* his Inheritance or free-hold, by *Impiety* or *Atheisme*, (allthough he may *forfeit* his Soule) unlesse he commit some legall Crime: So a Prince, that holdeth his Crovvne by unquestionable Right of Succession, cannot *forfeit* his Temporal inheritance by the erroniousnesse of his Religion (his Soule must only answear that forfeit) And allthough some have gone so far as to admit a *lawfulnesse* of the Subjects *taking Armes* against theire Prince, for the defence and maintenance of theire *Lawes* and *Religion*, yet no man hath adventured so far, as to allovv the *taking Armes* for bringing in of *new Lawes* and a *new Religion* contrary to the establisshed, and that by *force*, and vvithout *consent* of theire Soveraigne, vvhich is the present Case.

The Non-conformists themselves set out a Protestation 3° Iacobi 1605. very cleare in this point vide Art. 4. 6. 9. in Append. pa. 19.

CHAP. IX.

Shevving the VVar not to have bin begun by the King, but that he condiscended, to all things that could in reason be demanded of him for the preventing of it.

THere is yet one further Objection, vvherevvith I have heard some indeavour to *countenance* and *justify theire taking Armes against the King*, vvhich vvas, *That he first made VVar against his Parliament meaning by force to introduce an Arbitrary Power in Church and Common VVealth; And that the VVar on theire side was only defensive, and for the maintenance of theire liberties, proprieties, priviledges, and Religion*;

The *steps* & *progresse* of this *unhappy VVar* are so vvell knovvne unto me, even from the first *misunderstandings* betvvixt the King and People, and the *improvement* of them by *Tumults* and severall *Artifices* untill they broke out into Acts of *open hostility*, that

that nothing did so much *terrify* my Conscience from *taking Armes* against the King, or more *cõfirmed* me in my Duty of *adhering* unto him, then the certaine and infallible knowledge I had of the kings *hearty* and *unfeigned* Desires and Indeavours to have *prevented* this VVar, and to that end to have done, and was ready to do all things that had bin or should be with *justice* or *reason* propounded unto him for the *satisfaction* of his Parliamẽt, which I conceave, to all *unpreoccupated* Iudgements will be easily most apparent, when it shall be considered how many things he hath done (besides the *easing* of just greivances whereunto he is indeed obliged) which were meerely Acts of *Grace*, and which if he had *denyed*, he should have done no wrong, And for the doing whereof, the wit of man can find no other *reason* or *inducement*, but his desire to *satisfy* his Parliament, and the *keeping* of things from extremities: For besides the giving way to the *putting downe* of the Court of *Star-Chamber*, the *High Commission*, and the *regulating* of his *Councell-Table*; many other things he hath done, which some Kings would rather have *adventured* a VVar, then have *parted* with any of them, As the *consenting* to have his *Priuy-Counsell* (that had bin sworne to *secrecy*) to be *examined upon Oath* concerning those things that had passed in his Presence in his most secret *Cabinet Councell*, The giving his *Assent* in such cõjuncture of times to the taking away the *Bishops Votes* in Parliament, And the *divesting* of himselfe of the Power to dissolve the Parliament; notwithstanding that the evill Consequences that might happen to him thereby, were represented unto him in my hearing. And I conceave that no man will be so *partiall* but they do beleeve, that howsoever the King might be *satisfyed* in point of Cõscience by the *Bishops* and *Judges* and the joint Authority of both Houses, for giving his *Assent* to the *passing* of the Bill for my *Lord of Straffords Attaindure*; yet no man but beleeveth he would have saved his Life at a great Ransome: But hoping thereby to have allayed the *rage* of the people, as well as to have given full *satisfaction* to his Houses, with a sad and afflicted heart he *signed* the VVarrant for the Earles *execution*. For he was then made beleeve that with his

* The King caused P. Charles his Sonne and Heire to become a Suitor unto the Houses for the saving the Earles life, who came in person and propounded it as the first Request he had ever made unto them, but could not obteine it.

his *giving vvay* to his death, and his *consenting* to the Bill for *not adjourning* or *dissolving* of the Parliament, but vvith the Concurrence of the Houses, all misunderstandings betvvixt him and his Parliament vvould be removed, and all things returne to a calme and orderly vvay of Proceeding. Novv if the King had had any secret Intẽtion of *making of a VVar*, vvould he have done so many things so prejudiciall to himselfe, and so against his heart, only for the *preventing* of it, And allthough his hopes of a quiet settlement by the *passing* of these tvvo Bills failed him, he yet gave not over the doing of all further things vvhich he thought might *renevv* a right understanding betvvixt him and the Houses.

So likevviſe vvhen that *vnhappy* and *unseasonable* Act of his going to the House of Commons in Person happened, he indeavoured to *redeeme* it vvith such Acts of *acknovvledgement*, *submission*, nay I may say *asking forgivenesse*, as vvere never done by any King unto his Subjects.

So likevviſe in the particular of his Atturney's accusing of the Lord *Kimbolton* and the *five Members*, notvvithstanding he had a President for it in his ovvne time of S^r. *Robert Heath* his then Atturney's impeaching of my selfe of *High Treason*, vvhich Impeachment vvas receaved and admitted of by the House of Peeres, and Arraignment and due Processe of Lavv, vvas by the said House ordered and avvarded thereupon, yet, the King (finding the Houses therevvith displeased) did not only command prosecution to be vvithdravvne, but left his Atturney to the Iustice of the Parliament; And I conceave that it vvilbe acknovvledged by all Lavves and all Religions, That the very *excesses* and *errours* of Soveraigne Princes, if *reparation* and *satisfaction* may be obtained by *Petition* and *Remonstrance*, (as in these Cases they have bin) Recourse ought not to be had by Subjects, to *Armes*, or *hostile Resistance*; and I am deceaved if this be not also the Opinion of the severest of our nevv Doctors.

VVhere *vvrongs* are done, if the party offending shall upon demand make *reparation* and give *satisfaction* to the party offended, and yet he shall notvvithstanding make VVar, it is He that

is the Agreſſor and that maketh the Offenſive VVar. *Melior cauſa ad partem pœnitentem tranſit*, And the party firſt offending, by his penitency and ſatisfaction, brings over the Right and Iuſtice to his Cauſe: And if this be betvvixt independent States, betvvixt vvhom ſuch as vvrite *de Iure Belli*, ſay a legitimate VVar can only be, (for (VVar being defined to be *publicorum Armorum juſta contentio*) Subjects are not allovved as lavvfull Enemyes oppoſed to theire Soveraigne for vvant of ſupreame and publique Authoritie) Hovv much more ought ſuch Ackovvledgements and Reparations (as have before bin ſet dovvne) have ſatisfyed Subjects in the behalfe of theire King, ſo far humbling of himſelfe, as certainly vvould have pacifyed a *modeſt* Conquerour.

After the King had found himſelfe diſappointed of his expectation, and that by his former *yeildings* and *complyances* the miſunderſtandings vvere little *allayed*, but greater appearances grevv every day then other of unquietneſſe and troubles, And that he had thought it fit to vvithdravv himſelfe from *London* for his *ſafety*, and the avoiding of Affronts, vvhich he had cauſe to feare, (For that the five Members vvere the next day by the armed Train'd-bands of the Citty in martiall manner to be brought to *VVeſtminſter*, and to paſſe by the *Kings Pallace*) Yet ſo deſirous vvas the King to ſvveeten things againe, that (upon great inſtance) he paſſed the Bill for *debarring* the Biſhops theire Seats and Votes in Parliament, upon hopes that vvere given (vvith no ſmall Aſſurance,) that upon gratifying the Houſes therein, all things vvould ſpeedily be put into a vvay of Accomodation.

I had often heard the King ſay, That (*beſides the vvvrong done unto the Biſhops, vvvho had as good Right to theire Votes in Parliament as any other Peeres from the firſt Originall of Parliaments*) *he cõceavved he could not do any Act of greater Prejudice to himſelfe and his Succeſſours, then the paſſing of that Bill.* Yet the deſire he had of a *reconciliation* vvith his Parliament, overvveighed all other Conſiderations and Intereſts vvhatſoever, And he gave his Royall Aſſent unto the Bill; But inſtead of that effect vvhich the King expected thereby, it produced the 19. *Propoſitions of*

Graccers

Grocers Hall before mentioned; vvhereunto allthough the King gave no negative Anſvvear, yet he put on a Reſolution to make no further Anſvvear to any nevv Propoſitions: But his Requeſt to the Houſes vvas *That they vvould ſet dovvne together all ſuch meanes as vvould give them ſatisfaction, vvhereunto they ſhould receave a gratious and ſatisfactory Anſvvear to all they could juſtly or reaſonably demand;* But this vvas declared to be a breach of priviledges, to *reſtraine* the propoſalls of the Houſes either in matter or forme. The King on the other ſide thought, that vvhatſoever he had formerly done had ſerved only to *ſtrip* himſelfe of his knovvne Rights, but had no vvay advanced a generall Accommodation, And ſo for the future, betooke himſelfe to *Declarations* and *Proteſtations* inſtead of *Anſvvears*, vvherein he proffer'd to *cõcurre* in all things they ſhould deſire for the ſetling of all Liberties and Immunities of the Subject, either for the Propriety of theire Goods, or Liberty of theire Perſons, vvhich they either had receaved from his Anceſtours, or vvhich by himſelfe had bin granted unto them. And if there did yet remaine any thing of Grace, for the *good* and *comfort* of the Subject, he vvould vvillingly hearken unto all theire reaſonable Propoſitions. And for the ſetling of the *true Proteſtant Religion*, he moſt earneſtly recommended the Care thereof unto them, vvherein they ſhould have his *Concurrence* and *Aſſiſtance*. The Rule of his Governement he proteſted ſhould be the ſetled Lavves of the Kingdome; And for the Indempnity and Comfort of the Subject, he offered a more ample and generall Pardon then had bin granted by any of his Predeceſſours, And for the performance of all he had promiſed, (beſides ſolemne Oaths and Exeerations vvhereby he bound himſelfe) *he deſired God only ſo to bleſſe and proſper him and his Poſterity, as he ſhould faithfully performe the ſame.* And further, for the greater ſecuring of vvhat ſhould be agreed and ſetled, he gave ſuch voluntary ſecurity, as I conceave vvas never before demanded, nor by any King offered to his Subjects; That, in Caſe he failed in performance, or ſhould do contrary to that vvhich he had promiſed or agreed, He acquitted and freed his Subjects of theire Obedience.

And

And this great desire of the Kings to have purchased *Reconciliation* with the Houses, will appeare to have bin knowne to me, and to have bin so beleeved by me, by what I spake in the House of Peeres the 20. of *May* 1642. and was published in print; most of this being but a repetition of what I then said, as will appeare by the said Speech hereunto annexed. In Append. pa. 1.

Besides the above specified Reasons of the Kings desiring *Peace*, It could not be supposed, that in humane prudence the King could desire a War being altogether unfurnished of *men, money* and *ammunition*, and the contrary party provided of all, by the being *seized* of his Forts, his Magazins, his Navy, his Rents, the Revenew of the Crowne, and of the powerfull and rich Citty of *London*, and of the perverted Affections of his People. He was faine at his returne from *Dover* (whither he had accompanyed the *Queene* when she passed into *Holland*) to go from place to place, as to *Theobalds*, and to *Newmarket*, lingring up and downe in hope still of some Overture of Accommodation, and many Motions tending thereunto, were made by my selfe and other the Kings Servants that stayed behind him with the Parliament; But they were not then thought seasonable, and wrought little effect, and the King having lost all hopes in that kind, held it fit to retire himselfe further from danger, (as he conceaved) and so went unto *Yorke* with a very meane Equipage and a slender Attendãce of not above 30. or 40. Persons. It is true that many of the Nobility and Gentry repaired thither unto him, shewing great Affection and Resolution to follow him in all fortune; and Indeavours were used that the King might be put into the best posture of Defence that was possible, but ever with a desire that those small Forces might rather *countenance* some Treaty or Overture for Accommodation, then that there was any beleife that those Forces were fit to carry through a War. And to that purpose the Earles of *Southampton* and *Dorset* were sent unto the Parliament with new Overtures from *Nottingham*. But nothing would be heard untill the King had first *taken downe his Standard, and laid downe Armes*, which the King understood to be *a totall submission and yeilding*

of

of himſelfe up, ſeeing my Lo: of *Eſſex* come forth, and vvithin fevv dayes march of him, vvith a great and povverfull Army, He himſelfe having by S^r. *Iacob Aſhleys* Certificate, not above 700. foot, vvhereof there vvere not above 400. armed, and 900. foot of Colonell *Bellaſis* at *Nevvarke*, moſt of them vvithout Armes, An Equipage certainly not to have incouraged the King unto a VVar, if it could have bin avoyded; But ſuch vvas Gods vvill for the puniſhing of the Nation.

But the Kings Forces indeed unexpectedly increaſed, by vvhich the VVar hath bin cõtinued to the Deſtruction of the Kingdome, and more particularly of the Kings Party; but later by much then could have bin expected by any foreſeeing man: And neither the King, nor any rationall man vvith him, but vvould have accepted and ſought an *Accommodation*, though vvith great *loſſe* and *prejudice*. So that to make the King the firſt Agreſſor, and beginner of an Offenſive VVar, and the Houſes to have taken only defenſive Armes, I could never underſtand it, nor knovv vvhat it vvas they could pretend to defend; Since there vvas no vvrong left unredreſſed, nor any thing that they could have pretence or colour to demand, that vvas not offered. Many things undeniably the Kings, vvere vvitheld from him, and more dayly ſeized, But I conceave no one thing can be inſtanced, vvherein the King hath detained from them any Right, to vvhich they laid Claime. But if the making of *Ordinances* (vvithout the King) of equall Authority vvith *Acts of Parliamẽt*, to vvhich the Royall Aſſent had paſſed; The keeping in their hands the Militia, Forts, and Navy, excluſively to the King; The altering of Church Governement eſtabliſhed by Lavv, vvithout the Kings Conſent; The making a nevv Great Seal; The *proſcribing* of the Kings loyall Freinds and ſervants, to loſſe of *life* and *eſtates* vvithout *pardon* or *mercie*, before either *Summons*, *Tryall*, or *Convi&ction*; The taking to themſelves the ſole Povver of *pardoning* and *diſpoſing* of Confiſcations; If the ſetting unto ſale the Lands and Revenevv of the Church, (for ſo many hundreds of years appropriated unto it) by their *ſingle Arbitrary Povver*, vvithout the Kings Conſent, vvho is Founder of all the Biſhop-

* A The Right of all theſe ſpecifyed particulars from the letter A, to ye letter B, are fully ſhewn to belong unto the King, and that the Houſes can have no colour of pretence unto them in Append. pa. 20.

prickes, and vvhich he vvas ſvvorne to preſerve; If the *aboliſhing* of the Court of VVards, and *diſcharging* the Subjects of their Tenures, and ſo conſequently of their ſervice to the Crovvne; If the deteining of the Kings Children from him, the breeding of them, and the future Marriage of them, belongeth unto them; If the povver of injoining nevv Oaths upon the Subject, contrary to all Lavv, and vvithout the King; If the making vvhat they pleaſe Treaſon, *ex plenitudine poteſtatis*, As the *harbouring of the King, &c. notvvithſtanding that the Lavv hath determined vvhat ſhall be adjudged Treaſon and nothing elſe; If the ſending to, and treating vvith Forreigne Princes, of *VVar* and *Peace*; or the nominating of Iudges, Sheriffs, and the Officers of the Crovvne, and many things of this kind; If they lay Claime unto theſe as their Right; I muſt confeſſe I have not knovvne any ſatisfaction offered unto them by the King: * Only in the point of his Servants, he hath allvvayes proteſted, that he vvould protect no man vvhatſoever, ſo that he might be brought to a Legall Tryall, according to the due Courſe of Lavv, vvhich he is bound to ſee afforded to all his Subjects. But for the reſt of the above ſpecified particulars, I do not knovv that the King hath indeavoured their ſatisfaction: Neither can it be ſuppoſed by any rationall man, that they vvill ground their defenſive VVar, upon any Claime they vvill make unto them. For although *de facto* in the Conteſtation of VVar, they have ſeized and poſſeſſed themſelves of them, yet they vvill not pretend, that they have Right unto them *de iure*, And it is *Right* that conſtitutes the *Iuſtneſſe* or *Vnjuſtneſſe* of the entring into a VVar; *Succeſſe* protecteth, and may eſtabliſh for the future, but cannot rectify or make good an *unjuſt beginning*. And it muſt be their future proceedings, by vvhich the moſt probable Iudgement can be made of their former intentions. For novv that they have overcome all oppoſitions, If they ſhall returne to a peaceable legall Settlement, and leave to uſe *Arbitrary Govvernement*, vvhich they may pretend they have bin inforced unto, during an *Actuall VVar*; and ſhall only retaine theire juſt *Libertyes* and *Priviledges*, vvith ſuch additions and inlargements of Graces, and

*Die Lunæ 4. Maij 1646. Ordered that vvhoſoever ſhould harbour and conceal the King, and not reveal it, &c. ſhould be proceeded againſt as a Traitour, & die vvithout mercy.

* B.

and Immunities, as the King, (being free, and vvithout conſtraint) ſhalbe contented to grant, together vvith prudent Cautions for their ovvne Indempnity, and Security for the future; (vvhich in Caſes of this Nature, muſt ever be ſuppoſed, that rationall Men vvill indeavour, and ſucceſsfull men that have the Povver in their hands, vvill expect) If they vvill let the ſubject have the *comfort* and *ſecurity* of a generall Pardó, & an Act of Oblivion; not force the conſciences of their fellovv Subjects, by nevv Oaths, vvhich they themſelves have acknovvledged to be *contrary to the Lavv, and againſt the Petition of Right*. If they vvill indeavour really, the ſettlement of Religion, by a moderate Reformation, and not by a totall ruyne of the *moſt orthodoxe and flouriſhing Church of Europe*; And ſo reſtore the King to vvhat is undeniably his, and make the knovvne Lavv the Rule of Government, Theſe vvill be the ſtrongeſt Arguments, that *Defence* vvas rather intended, then a *Conqueſt*. But if Armyes ſhall be reteined, vvhen there are no Enemyes; And by them an *Arbitrary Povver* held up over mens Lives, Liberties, and Eſtates; and the King kept in the Nature of a ſubdued and uſeleſſe Perſon; little vvill be beleeved of any Intention of taking only *defenſive Armes*.

CHAP. X.

Shevving a particular Tye of Gratitude, by the Generouſneſſe and Reconcileableneſſe of the Kings Diſpoſition.

THere vvas yet a further Tye of Gratitude put upon me, by the Generouſneſſe, and Reconcileableneſſe of the Kings Diſpoſition; (a virtue, ever to be vviſhed, but not often found in offended Princes) For I having bin ſo unhappy, as to have fallen very highly into his Diſfavour, and to have remained many years under a Cloud of his heavy Diſpleaſure: yet not long before the beginning of this Parliament, having the opportunity of acceſſe unto him, at the great Counſell at *Yorke*, And then being imployed as *Prolocutor* in the Commiſſion for the Treaty vvith

vvith the Scots at *Rippon* for a *Ceßation*, and aftervvards for the Peace at *London*; he vvas pleaſed to receave ſo good ſatisfaction concerning me, and all my former proceedings, that he did *gratiouſly* paſſe by, vvhatſoever offence he had conceaved againſt me, and did not only call me to his Councell Table, (vvhere, in regard of my many years ſervice under his Father, he might have judged me uſefull unto his ſervice) but out of a Confidence and Truſt (vvhich to faile in even amongſt Heathens, vvould be held odious) admitted me to the place of the neareſt Attendance about his Perſon, as *a Gentleman of his Bed-chamber*, vvho (beſides the priviledges of Acceſſe in all places) have the Honour to ſleepe by him in the night in his Chamber, and to be truſted alone vvith the *ſafety* of his Perſon, as I have often bin. And this place is accompanyed vvith a particular Oath of diſtinct ſervices, of Attending upon his Perſon, of not Acting, or Concealing any thing to his Prejudice, and other things of particular ſervice, more then other ſubjects do ſvveare unto.

And I muſt confeſſe that if all the above alleaged Reaſons had bin lay'd aſide, and that there had bin no other Tye, but this nevv Obligation of the Kings *Reconciliation*, and of his truſting and confiding in me, knovving him to be ſo free, not only from all things that might juſtify the *taking Armes againſt him*, but from all things of doing vvrong, or oppreſſion, (if other mens errours or corruptions, vvere not put upon his Score) That if all the misfortunes that have befallen me and my Family, had bin foreſeene by me, and might have bin prevented by my forſaking of my Maſter, only becauſe he vvas in diſtreſſe; I vvould rather have imbraced this poore and exiled condition, then to have lived in any Eſtate of plentie vvhatſoever, reproaching to my ſelfe dayly and hourely my Infidelity and Ingratitude.

CHAP.

CHAP. XI.

A Breife Summary of the Reaſons formerly ſet dovvne for the not taking Armes againſt the King.

THeſe are the Reaſons that have retained me in that Duty, vvhich I conceaved my ſelfe bound unto tovvards the King. The ſumme of them being breifely thus.

1. I underſtood *Hoſtile Reſiſtance againſt the King*, to be expreſſly prohibited by the vvord of God, both in the old and nevv Teſtament.

2. I ſhould have gone againſt the Doctrine and Practice of the Primitive Church, and againſt the preſent Tenents and Confeſſions of Faith, of all the Reformed Churches.

3. Admitting the Maximes of thoſe hot-headed men, either *Romaniſts* or *Proteſtants*, that have vvritten in favour of Subjects *taking Armes againſt their Prince* to be true, (as they are falſe, and condemned by their ovvne Churches reſpectively) yet in this Caſe, they could be no Arguments to me; For that their Doctrine and Principles, are in no kind applicable to the preſent matter in Fact.

4. I ſhould have directly broken all thoſe ſolemne Oaths vvhich I had ſo often taken, of Fidelity, and Alleageance to the King.

5. I ſhould have gone againſt the Lavves of the Kingdome, by vvhich *to take Armes againſt the King, or to adhere to his Enemyes, &c.* is made *Treaſon.*

6. I ſhould have bin fayling in the Obligations of Honour and Gratitude.

7. I ſhould have tranſgreſſed againſt Morall Honeſty, and naturall Iuſtice, *to have fought againſt the King*, as an unjuſt and an irreligious man, vvhom I knevv to be, in more then an ordinary meaſure, *Iuſt* and *Religious.*

So that if I ſhould have broken through all theſe Dutyes of Religion, of Oaths, of Loyalty, of Lavves, of Gratitude, and

Morall Honesty, by doing presumptuously against my Conscience; how could I but have feared to be made as miserable in the next world, as I should have remained despicable in this?

And howsoever this may be judged a severe Censure, It is only against my selfe, as I say in the beginning of this Discourse, *Men may upon differing Principles goe differing wayes.* And I cannot be so uncharitable, as to thinke so many *grave, learned,* and *noble* Persons, would breake through so many plaine Duties, under which they had formerly lived, And unto which they had not only sworne but conformed themselves; But that they had either *found out* or had had *revealed* unto them, some such things for the *satisfaction* of their Consciences, as God hath not yet bin pleased I should attaine unto. If I may see them in writing, I shall peruse them willingly; And if I shall find in them, but so much Reason, as may induce me to beleeve, that upon their owne Principles, and not by Feare, Interest, or likelyhood of Prevailing, their Consciences may have bin perswaded that way, Allthough I disapprove their said Principles, and still retaine mine owne, yet I shall say, *Bonâ intentione mali sunt*; which though it doth not justify an evill Action, yet it doth in some measure *excuse*, and *lessen* the Offence. S^t. Paul
*Phil. 3. v. 6. was a great *Persecutour of the Church, But because he did it
*1. Tim. 1. v. 13. out of aboundance of Zeale, *he obteyned pardon, for that he did
John. 16. 2. *ignorantly:* Our Saviour saith to his Disciples, *The time will come, that whosoever killeth you, will think they do God service.* And those very Murtherers would have bin in much better Case then I should have bin, that should have sinned *presumptuously, and against the perswasion of mine owne Conscience;* whereas they had the Glory of God for their end, though upon false Principles. And certainly, presumptuous sinnes, being as it were a *defying* of God, are of greater Provocation; And I shall recommend unto those whose *Consciences* have led them another way, that Imborne, Charitable Principle of the Law of Nature, aswell as of the Gospel, *Quod tibi fieri non vis, al-*
Matth. 7. 12. *teri ne feceris; Whatsoever ye would that men should do to you, do ye even so unto them.* And if *Conscience* shall be a *discharge* or

supersedeas

ſuperſedeas unto them, againſt knovvne Dutyes, againſt Oaths, and Eſtabliſhed Lavves, Let *Conſcience* in me, grounded upon ſo many Reaſons, as in this Diſcourſe are ſet dovvne, be likevviſe pleadable for the doing of thoſe Dutyes, to vvhich I conceaved my ſelfe obliged, both by the Lavv of God and Man, and vvhich hitherto, both they and I have practiſed.

CHAP. XII.

All the former Reaſons applyed to the preſent caſe of King Charles, vvith a poſitive opinion thereupon.

THeſe have bin the Motives of ſettling my Conſcience in the Opinion that I ſhall breifly here ſet dovvne, deduced from the Principles of this Diſcourſe, vvhich (upon this individuall Caſe) is;

That neither upon pretext of Religion, Perſonall Vices, Exceſſes in Government, nor any other Colour or Pretext vvhatſoever, the Subjects of the Crovvne of *England* may vvithdravv their Obedience, or make *Hoſtile Reſiſtance* to King CHARLES the preſent King, Being by Right of Inheritance, juſtly poſſeſſed of the Crovvne, His Title no vvay depending, either upon his Divine or Morall Virtues; And the ſaid Subjects having received him, and acknovvledged him for their *only Supreame Governour*, done him Hommage, and ſvvorne to him Faith and Alleageance abſolutely and vvithout Condition.

As for other Kings or Potentates, vvhether Elective Kingdomes, or Kingdomes that (at the Erection of them) vvere received by the firſt King upon Expreſſe Covenant, and only vvith a Conditionall Obedience, as is pretended by thoſe of *Aragon* and others: Of theſe I ſhall not ſpeake. Neither ſhall I adventure to ſpeake of thoſe *Catholique* Kings and Princes, vvhich acknovvledge (in ſpirituall matters) a Superiour Iuriſdiction in the *Pope* over them, (And he pretendeth (as hath bin before ſet dovvne) by neceſſary Relation and Dependency of the Temporall upon the Spirituall) to have a Temporall Povver over

over them, *in ordine ad Spiritualia*; and hath often put this his Claime in Practice, by accompanying his *Spirituall Cenſure of Excommunication*, vvith the Sentence of *diſcharging* Subjects of their *obedience* to their Princes, and ſo conſequently of depoſing them. Herevvith I ſhall not meddle, None of theſe Caſes being applicable to the preſent Caſe of King CHARLES, vvho is no *Elective King*, but holdeth his Crovvne by an unqueſtionable Title of Succeſſion, derived to him by Deſcent from his Anceſtors, for the ſpace of more then ſixe hundred years: Neither vvas there ever any Pact or Condition vvith him, or any of his Anceſtors of *forfeiture*, in Caſe of *miſgovernment* or *vvickedneſſe*; And *breach* of Covenants forfeiteth not an Ordinary Eſtate, unleſſe there be an expreſſe Clauſe and Condition of *forfeiture*; vvhich in this Caſe, neither vvas, nor ever can be pretended. It is true that his Anceſtors and himſelfe, have limited and reſtrained their Regall Right, by many Conceſſions and Lavves in ſome Caſes, as, The making of Lavves vvithout Conſent of Peeres and People, and the levying of Money, &c. vvhich he cannot *violate* vvithout great Injuſtice, as ſhall be after ſhevvn: But no ſuch Pact or Covenant can be produced, or pretended, vvhereby upon *breach*, he *forfeiteth* his Soveraignity, or maketh it juſtifyable for his Subjects to *take Armes* againſt him, or to *inflict Puniſhments* upon his Perſon, either by *depoſing*, *Death*, or *Impriſonment*.

The Caſe likevviſe of *Catholique Princes* no vvay concerneth him, vvho acknovvledgeth in the *Pope*, no ſuch Superiour Iuriſdiction: Neither if he did, are there any ſuch Eccleſiaſticall Cenſures iſſued out againſt him, as might vvarrant ſo much as his Catholique Subjects *to take Armes* againſt him. So that vvhatſoever Pretences may be in ſome Caſes, concerning ſuch Princes as I have above ſpecifyed, (vvherein I ſhall not preſume to deliver any Opinion) yet in the preſent Caſe of King CHARLES, there can be no colourable Pretence of *taking Armes* againſt him, or of *depoſing* him, vvhich I underſtand to be, (in effect) vvhen he is *diveſted* of his juſt Regall Povver; Or of the *impriſoning* of his Perſon, vvhich I underſtand to be, not only vvhen he is

he is in Bonds, or lockt up in a Roome; but vvhen the liberty of *going*, and the freedome of *speaking* is reſtrained, to ſuch places or perſons as others ſhall pleaſe, and he remaine under the guard of Armed men, not of his ovvne chooſing, but impoſed upon him by others.

It muſt be acknovvledged, that the Kings of *England* derive their *Title* and *Right* from *VVilliam* the *Norman*, vvho allthough he came in by *Conqueſt*, yet his Succeſſours (conſidering that a Right acquired by Force, may likevviſe be recovered by Force, by thoſe upon vvhom the forcible Intruſion vvas made) vvere pleaſed by vvay of pact and ſtipulation, to limit and qualify that *Imperium abſolutum*, vvhich is acquired by *Conqueſt*. And the People of *England*, thereupon did ſubmit themſelves to his government, and became his Subjects and his Leige-men, And thereby vvas Conſtituted *Imperium legitimum*, *a Iuſt and rightfull Soveraignity*; The Kings remaining vvith Supreame Povver, and the People vvith Common Right, vvhereby they vvere *freed* from the Servitude of *Conqueſt*, and remained under a *free* Subjection, vvhereunto they had by their Conſent ſubmitted themſelves.

The Kings likevviſe did recede from *Abſolute and Arbitrary Povver*, and remained vvith *Supreame*, but not vvith *Abſolute Empire*.

By *free Subjection*, I underſtand vvhen a People live under Lavves to vvhich they have given a *free Conſent*, and not under the meere *VVill* of the Prince; And that they retaine ſuch a Propriety in that vvhich is their ovvne, that vvithout their Aſſent, or legall forfeiture, it cannot be taken from them; And this is the true difference betvvixt *a Free Subject* and a *Slave or Servant*. *Quicquid acquirit ſervus, acquiritur Domino, Liber quod acquirit, acquirit ſibi. VVhatſoever a ſervant getteth, he getteth for his Lord, VVhat a free man getteth, he getteth for himſelfe.* And ſo allthough that *Dominion* of all belongeth to the Prince, *Propriety* belongs to every man, *Dominium totius apud Cæſarem, Proprietas apud ſingulos.*

The Difference that I underſtand betvvixt a *Supreame*, and

Absolute Empire, is; That in *Absolute Empire*, The Rule of the Peoples Obedience, is only the Soveraignes *VVill*. So it is in *Turky*, *Muscovia*, and all such Princes, as retaine entire, the Right of *Conquest*; and vvas in some sort under the *Romane Emperour* after the *Lex Regia* vvas established by the Peoples Consent; vvhereby they transferred their entire Right unto the *Emperour*.

Supreame Empire I understand to be, vvhen a King hath a *Supremacy* and *Soveraingnity* over all, but his *Absolute Povver* is limited and restrained by reciprocall Pacts, Lavves, and Stipulations betvvixt Prince and People, vvhich is the Case of the Crovvne of *England*: And to these Pacts, the King and People are equally bound, both before God and Man; And the King is as much bound to *Iustice*, and to the *protection* of his Subjects, and to the *observance* of the Lavves, (not only out of Religion, but out of morall Honestie) as the Subject is to *Obedience*. And he is not only accomptable to God, but his People have just & legall vvayes to seeke *Redresse*, vvherein he shall do VVrong; notvvithstanding that *Axiome* of our Common Lavv *That the King can do no VVrong*; vvhich is very false in many sences, and may be vvell called *fictio Iuris*, *a kind of metaphisicall Fiction*. For Kings may do *VVrong*, and be as vvicked as other men, and may cómit Murther, and lie vvith other mens VVives, and vvrongfully take other mens Estates, vvhich no Fiction of the Lavv can make not to be *VVrong*, allthough his Person be exempt from punishment. And that *abstract* Consideration of the King, for his just Povver and Office, as it hath bin often ill used heretofore in vvay of Assentation: So there hath bin as ill use made of it in these troubles; VVhen the *taking of Armes* and the *fighting* against him, vvas pretended not to be against the King, but against CHARLES STEVVART. But (to speake in Tearmes intelligible) a King both may do *VVrong*, & the People may seeke their *redresse*, in such sort as the Lavv of the land allovveth: And the difference betvvixt King and Peoples *failing* in their reciprocall Dutyes, is not, but that they *do VVrong* alike, *offend God* alike, and are both of them liable to be questioned, according

Le Roy ne fait tort, is only to be understood in the ordinary course of justice which the King administring by his Ministers and not in Person it is they y^t^ are the wrong-doers and not the King and the Subject against them is to seeke his remedy.

ding to the extent of the Lavv, by both their Conſents eſtablished. The Subjects tranſgreſſing the Lavv, ſhall be puniſhed according to the quality and meaſure of their Delicts. *Felony*, by loſſe of their Goods and Chattles, and by a milder Death; *Treaſon*, by a more ſevere Death, & Confiſcation both of Goods and Inheritance. But hereof they muſt be convict *per pares*, *by People of their owvne condition*, and adjudged by a Superiour Iuriſdiction, vvhich can be derived only and ſingly from the King. So that the King not having his Peere, or any of his ovvne condition, cannot have a legall Tryall; And having no Iuriſdiction ſuperiour to himſelfe, cannot be *adjudged*, or *ſentenced* by any. For neither the extent of the Lavv, nor any Condition of the Pacts, or Stipulation, do reach to the *puniſhing* of the Perſon of the King, or the *forfeiture* of his Dominion over us. It is true, that (in civill things) Trialls may be (and often are) brought againſt the King; And Kings do give vvay, That the Iudges be ſvvorne to do *equall Iuſtice* betvvixt them and their Subjects. And in point of Oppreſſion and VVrong, vve may *Remonſtrate* our Greivances, and challenge Redreſſe by our *Petitions*; VVhich if they be not condiſcended unto, vve may inſiſt upon them as our *right*, and claime them as of *due*, and not as of *grace*; And allthough vve do it by vvay of *Petition*, that is but a dutifull forme of Subjects bringing their Plea againſt the King, For in other ſort he ought not to be impleaded. Beſides theſe Petitions of Right, vve may (as hath bin formerly ſaid) *remonſtrate*, *enter our Proteſtations*, and take all thoſe Courſes vvhich the Lavves allovv. Neither ought the King to *take Offence* at theſe legall Conteſtations vvith him, becauſe by his aſſent unto the Lavves, he hath aſſented unto them: Nay he ought in them to do us *Right*, being bound thereunto by the Lavv of God, and by his Oath, and by morall Honeſty and Iuſtice. But, if he faile in all theſe Dutyes, our Iuriſdiction reacheth not to his *perſonall* Puniſhmét; therein, he is *ſub nullo*, *niſi ſub Deo*; and the Lavv ſtoppeth there, and telleth us, *ſatis ſufficit ei ad pœnam, quòd Deum habet vltorem, It vvilbe a ſufficient puniſhment to him, that he hath God for an Avenger*. Yet are vve not alltogether left vvithout *remedy*, For

Kings,

Kings, allthough they be Gods *Vice-gerents*, yet they cannot vvorke as God vvorketh, ſaying *Fiat*, and it vvas done. Kings muſt vvorke by mediate Inſtruments, And if they Command illegall things, the *Executioners* of them are reſponſable, and muſt make ſatisfaction to the Parties injured. And therefore the King ought not immediately to *impriſon*, nor in perſon to *execute* any thing, becauſe that in Caſe of vvrong-doing, the Subject vvould be left vvithout Remedie, in regard that the Kings Perſon is not to be impleaded by Lavv. I knovv the uſuall Objections, *In Caſe Kings vvill do that vvhich they ought not to do, and vvill by their ovvne immediate VVarrants, Commit, and be the Perſonall Actors of the Injuries, or not ſuffer the Executioners of their unlegall Commands to be legally proceeded againſt; ſhall the Subject be left vvholly vvithout Remedie, and the People be debarred of the benefit of that Right of Nature in-bred in all Creatures, of ſelfe preſervation?* Yes. VVe muſt be contented vvith that Condition vvherin God hath placed us, and vvherein, by our ovvne Conſents, and Stipulations of *ſubjection*, vve have placed our ſelves, and may only right our ſelves by thoſe meanes, vvhich by the lavves (vvhereunto vve have given our aſſent) are permitted unto us: Neither is our native Liberty hereby raviſht from us, but, as vve have parted vvith it, by our ovvne Conſent & Agreement, So vve cannot reſume it, but by thoſe vvayes vvhich vve have reſerved in the Stipulations of our *ſubmiſſion*. And beſides that, herein there is no Injury, for that *Volenti non fit Injuria*, It vvould be more hurtfull to mankind if it vvere othervviſe: For there is a neceſſity, that in all ſorts of Governments, aſvvell as in *Monarchy*, there ſhould be an Impunity and Povver ſomevvhere, of not being queſtioned, elſe all vvould preſently fall into *Anarchy* and *Confuſion*, Neither could there be a finall ending of Controverſies, if there vvere not a *Dernier Reſſort*, and *laſt Appeal*, vvherein vve are bound to *acquieſce*; And this Povver muſt be truſted in ſome hand, and that muſt of neceſſity be, vvhere the Soveraigne Povver remaineth, elſe there muſt be ſuppoſed a Superiour Povver to that Soveraigne Povver, and ſo *in infinitum*, untill vve come to ſome ſuch Povver that hath

nothing

nothing above it, and then that muſt be truſted, and muſt be ſubmitted unto, vvithout being accomptable to any but to God, becauſe on earth there can be to it no *Superiour Iuriſdiction.* And this Povver is in the King of *England*, in all things except ſuch vvherein he himſelfe or his Anceſtors, have by Lavves and Stipulations, limited their *Abſolute Povver*, as hath bin above ſet dovvne; As *enacting* or *repealing* Lavves vvithout his Parliament, *levying* of Moneys, and many other things, vvherein He and his Anceſtors have *reſtrained* their Povver; And this vve are by the Lavv of God and of the Land bound to *obey*, and not to make any *reſiſtance* but vvhat the Lavv allovveth us; VVe muſt in the reſt, have recourſe unto God, if our Princes be vvicked: Neither may vve *mutiny* or *repine* at God, vvhen vve have ill Kings, more then vvhen he ſendeth Diſeaſes, Plagues, Caterpillers, Blightings or Blaſts: For vvicked Kings are but Blaſtings of the People that God is pleaſed to puniſh; Neither muſt vve thinke our Condition vvorſe then that of vvicked Kings, (notvvithſtanding their temporall Impunity) For certainly it is much better both in regard of Puniſhment in the VVorld to come, and commonly in this. For the next VVorld, As their Sinne is greater; So it is declared, that their Puniſhment ſhall be greater. *Heare ô ye Kings, and underſtand, &c. Becauſe being Miniſters of Gods Kingdome, you have not judged aright, nor kept the Lavv, nor vvalked after the Counſell of God. Horribly and ſpeedily ſhall he come upon you, for a ſharpe Iudgement ſhall be to them that are in high places, For mercy vvill ſoone pardon the meaneſt, but mighty men ſhall be mightily tormented.* VVhereas Subjects vvhich ſuffer vvith *patience*, becauſe they are ſo commanded by God, make him their Debtor by their ſufferings, and he allvvayes payeth faithfully, vvho ſaith, that *if vve ſuffer vvith Chriſt, vve ſhall alſo raigne vvith him.* And for this VVorld, Their VVickedneſſe and Oppreſſion, is ever accompanyed vvith thoſe Fears, Diſtractions, and Hortours of Conſcience, vvhich have ever bin unſeperable from Tyrannies, by vvhich their lives are rendred more uncomfortable then the unhappieſt of their Subjects. And for the moſt part, their ends are as miſe- *VViſd. 6. v. 1. 2. 3. 4. 5. 6.*

rable as their lives, For vvhat they *feare*, and by their Tyrannie ſeeke to *prevent*, doth commonly fall upon them: Their People do *Revolt*, and *Rebell*, And allthough they be never ſo vvell *Catechized* in the points of *Obedience*, yet their Naturall Inclination to returne to Liberty, much more to caſt of unjuſt Burthens and Oppreſſions, is ſuch, that ſlight and vveake Arguments vvill eaſily perſvvade them to that vvhereunto they are ſo ſtrongly inclined; and the leaſt pretence of Religion, or colour of Reaſon, or Lavvfulneſſe, countenancing or tolerating the freeing themſelves from *Subjection* in any Caſe, vvill be more prevalent vvith them, then the moſt poſitive Precept of Gods VVord injoining *Obedience*. And if in any Caſe, *taking of Armes* be admitted, Theirs ſhall ever be that Caſe. And if the VVickedneſſe of their Prince ſhall be allovved as a ground for *Rebellion*, Their Prince ſhall ever be the moſt vvicked; And of this, all Ages have produced many Examples, and eſpecially theſe later times through all the Eſtates of Chriſtendome. And allthough the Chriſtian Churches of all Profeſſions (as is before ſhevved) declare againſt the Doctrine of *Reſiſtance*, Tvvo or Three hot-headed-men vvriting or preaching, ſuitable to their Affections and Deſires, vvill prevaile againſt the Authority of all the Churches of Chriſtendome. And vvicked Princes vvill find, that Precepts in this Caſe vvill not ſerve the turne: But it vvill be in this point of *Reſiſtance*, as *Tacitus* ſaith of Divinations in *Rome*, *vvhich vvas a vvickedneſſe that had bin, and ever vvould be forbidden, yet ever vvould be reteined, ſemper vetabitur & ſemper retinebitur*. And ſo Princes that vvill highly *oppreſſe*, and make their VVill, and not the Lavves, the Rule of their Government (though to *reſiſt* be a vvickedneſſe, and that it is againſt the Lavv of God and Man to do it) yet vvhere the VVrongs are great, and a fair opportunity offered of prevailing, It vvill be ever done: For that amongſt men, there are a Thouſand for One, that preferre their ovvne Intereſts or Inclination, before Duty or Conſcience. And certainly a prudent and foreſeeing Prince, that vvill impartially examine things, cannot but expect it ſhould be ſo; For vvhy ſhould he ſuppoſe, that other men vvill be more *honeſt*, or more

religious

religious then himſelfe? And vvhen he breaketh through all the Bonds and Tyes of Oaths, of Divine Precepts, and Morall Iuſtice, only to ſtretch and extend his Povver and Greatneſſe; vvhy ſhould he not expect, that Subjects ſhould make as bold to tranſgreſſe the ſame Dutyes, in hope of recovering *Liberty*, vvith the falſe ſhevv vvhereof, people are apter to be further tranſported, then by any earthly deſire vvhatſoever? Neither vvill the fear of Death or Danger reſtrain them, becauſe they vvill not attempt, untill opportunity make them hopefull of prevailing, And then they conceave by Povver to provide for their ovvne Impunities.

But beſides this proneſſe in people to be eaſily led, and perſvvaded into *Rebellion*, under the falſe and ſpecious ſhevv of recovering *liberty*, The great Monarchs & Princes of Chriſtendome, have bin (in great part) the fomentors & upholders of *Rebellion*, and their Doctors have not ſo much by their *preaching*, & *vvriting* beaten it dovvne, as the Princes themſelves have by their *Examples* & *Actions* given encouragement unto it; for allthough I ſhall ever ſpeake vvith Reverence of Princes & their Actions, yet I ſhall hope that the humble repreſentation of this truth vvill receive a fair interpretation. For it is undeniably true, that in this later Age all the great Monarchies and States of Chriſtendome have bin made unhappy by Inteſtine VVars, vvhich have bin fomented (if not contrived and deſigned) by one Chriſtian Prince againſt another; every one countenancing and incouraging *Rebellion*, untill it become his ovvne Caſe, and then he is offended: of this I ſhall give no particular inſtances, the Notariety of it is too great, and I fear every State may too eaſily apply it to vvhat they have done, And it may be feared that the ſad Condition of allmoſt all the States of Chriſtendome at this preſent day, may feele ſomething of Gods Iudgements, vvho hath ſaid; *VVith vvhat meaſure ye mete, it ſhalbe meaſured to you again.* Matth. 7. 2.

And vvicked Kings (as they are ſure they ſhall not eſcape the ſevere Iudgement of God in the next VVorld, (if they do beleive the Scripture) So (if they vvill beleive Ancient Hiſtoryes of vvhat

vvhat hath paſſed in former times, or their ovvne experience of vvhat they ſee daily vvith their eyes, or that they do beleive, that God vvill repay unto them, that vvhich they have either countenanced, or contrived againſt others) they muſt expect to have troubleſome and uncomfortable lives, accompanyed vvith Hatred, Hazard and Infamy. And if theſe Conſiderations vvill not reſtrain them, yet vve muſt not be vvicked becauſe they are ſo; Neither vvill God admit of *Recrimination* for our *Excuſe*. Our Duty of *not reſiſting* is *poſitive*, upon paine of *Damnation*, from vvhich no good Succeſſe or Prevailing can keepe us, allthough it may ſave us from the *Gallovves*. Beſides this great hazard of our Soules, Morall Prudence ſhould teach us, That a *Civill VVar* is commonly *a Cure much vvorſe then the Diſeaſe*; For no Oppreſſion, nay, no Tyranny bringeth vvith it halfe thoſe Miſeries and Calamities, vvhich of neceſſity do ever accompany an *Inteſtine VVar*. VVicked Kings may be Cruell, Covetuous, and Licentious, But their Oppreſſions and their Luſts are reſtrained to ſome VVickedneſſes, and to ſome Perſons; But in a VVar, Rapes, Murthers, Roberies, Sacriledges, and all Impieties breake in, and all ſorts of People are made miſerable, vvhich the poore Kingdome of *England* hath found by ſad experience; vvhere vvithin theſe five years laſt paſt, more hath bin taken from the Subject, then vvould have bin exacted by Subſidies, Projects, or any unjuſt Taxes vvhatſoever, by the vvorſt of Kings in the ſpace of one hundred, And ſo all other VVickedneſſes proportionably have bin increaſed.

I ſhall Conclude this Diſcourſe vvith my humble and hearty Prayers to God Allmighty, to *avert* his heavy Diſpleaſure from that moſt unhappy Kingdome, vvhich I have ſeene the moſt *proſperous* and *flouriſhing* of all the Kingdomes of *Europe*, And by our ovvne *Diſſentions*, is novv become of all other the moſt *miſerable*; And ſo like to continue, unleſſe it ſhall pleaſe God ſo to diſpoſe the minds both of King and People, that they may really deſire and indeavour a *juſt*, *moderate*, and *equitable Accommodation*; VVhereby they and the Kingdome may be againe put into the VVay of recovering ſome meaſure of happineſſe;

It

It not being to be doubted, but that the many Afflictions vvhich have happened to the King, vvill adde much of *VViſdome* & *Circumſpection* unto his other Virtues. And the publique Calamities that have befallen the Kingdome, and the Diſtractions that the VVar hath viſibly brought both in Church and Common VVealth, vvill make the People value and eſteeme *Peace*, and not ſo *vvvantonly* be againe ingaged in nevv Miſeryes. And allthough unto me (in regard of mine Age and other Conſiderations) there remaineth little Hope of ever ſeeing my Country againe; Yet, vvhere or hovvſoever it ſhall pleaſe God to diſpoſe of me, I ſhall die vvith Comfort, if I may judge it in a probable vvay of *recovering* ſome meaſure of its ancient Happineſſe and Honour.

THE
APPENDIX
CONTAINING MANY PARTICVLARS
ſpecified in the firſt part of this Diſcourſe vvith the
Citations of the Chapters and Pages
vvhere they are Cited.

A SPEECH MADE
BY THE RIGHT HONOVRABLE,
IOHN EARLE OF BRISTOL:
IN THE HIGH COVRT
OF
PARLIAMENT:
MAY 20. 1642.

Concerning an Accommodation.

MY LORDS,

I have ſpoken ſo often upon the ſubject of *Accommodation*, vvith ſo little acceptance, and vvith ſo ill ſucceſſe, that it vvas in my intention not to have made any further eſſay in this kind; but my zeale to the peace and happineſſe of this Kingdome, and my apprehenſions of the neere approaching of our unſpeakable miſeries & calamities, ſuffer me not to be maſter of mine ovvn reſolutions.

Certainly, this Kingdome hath at all times many advantages over the other Monarchies of *Europe*. As, of Scituation, of plenty of rich commodities, of Povver both by Sea and Land: But more particularly at this time, vvhen all our neighbouring States are by their ſeverall intereſts, ſo involved in VVar, and vvith ſuch equality of Povver, That there is not much likelihood of their maſtering one another, nor of having their differences eaſily compounded. And thereby, vve being only admitted to all trades, and to all places: VVealth and Plenty (vvhich follovv, vvhere trade flouriſheth) are in a manner caſt upon us.

I ſhall not trouble your Lordſhips by putting you in mind of the great and noble undertakings of our Anceſtors: Nor ſhall I paſſe higher then the times vvithin mine ovvn remembrance.

Queene *Elizabeth* vvas a Princeſſe diſadvantaged by her Sex,

by her age, and chiefly, by her vvant of Iſſue: yet if vve ſhall conſider the great effects vvhich vvere vvrought upon moſt of the States of Chriſtendom by this Nation under her prudent government; (The grovvth of the Monarchie of *Spaine* chiefly by her impeached; The *Vnited Prouinces* by her protected; The *French* in their greateſt miſeries relieved; Moſt of the Princes of *Germany* kept in high reſpect and reverence tovvards her and this Kingdome, and the Peace and tranquility vvherein this Kingdome flouriſhed; and vvhich hath been continued dovvne unto us by the peaceable government of King *Iames* of bleſſed memory, and of his novv Majeſty, untill theſe late unhappy interruptions) VVe cannot but judge this Nation equally capable vvith any other, of Honour, Happineſſe, and Plentie.

Novv, if inſtead of this happy condition, in vvhich vve have been, and might be, upon a ſober and impartiall inquirie vve ſhall finde our ſelves to have been for ſome fevv yeeres laſt paſt involved in ſo many troubles and diſtractions, and at the preſent to be reduced to the very brink of miſeries and calamities; It is high time for us to conſider by vvhat meanes vve have been brought into them, and by vvhat means it is moſt probable vve may be brought out of them.

This Kingdome never enjoyed ſo univerſall a Peace, neither hath it any viſible enemy in the vvhole vvorld either Infidel or Chriſtian: Our enemies are onely of our ovvne houſe, ſuch as our ovvn diſſentions, jealouſies, and diſtractions, have raiſed up: and certainly vvhere they are found (eſpecially betvvixt a King and his people) no other cauſe of the unhappineſſe and miſery of a State need to be ſought after: For civill diſcord is a plentiful Sourſe, from vvhence all miſeries and miſchiefs flovv into a Kingdome.

The Scripture telleth us of the ſtrength of a little City united, and of the inſtability of a Kingdome divided vvithin it ſelfe; So that upon a prudent inquirie, vve may aſſigne our ovvne jealouſies, and diſcords, for the chiefe cauſe of our paſt and preſent troubles, and of our future fears.

It muſt be confeſſed, that by the counſell and conduct of evill

Miniſters, the Subject had cauſe to think their juſt liberties invaded; And from thence have our former diſtempers grovvne: For it is in the body politique of a Monarchie, as in another Naturall body, the health vvhereof is defined to be, *Partium corporis æqua temperies, an equall temper of the parts*: So likevviſe, a State is vvell in health and vvell diſpoſed, vvhen Soveraigne Povver and common right are equally ballanced, and kept in an eaven temper by juſt and equitable rules.

And truly, (My Lords) by the goodneſſe of His Majeſty, and by the prudent endeavour of the Parliament, this State is almoſt reduced to that equall, and eaven temper, and our ſickneſſe is rather continued out of fancie and conceipt, (I meane, fears and jealouſies) then out of any reall diſtemper or defect.

I vvell remember, that before the beginning of this Parliament, ſome Noble Lords preſented a Petition unto the King, and in that Petition did ſet dovvne all or moſt of the grievances and diſtempers of the Kingdome, vvhich then occurred to them. To theſe (as I conceive) the Parliament have procured from his Majeſty ſuch redreſſes as are to their good ſatisfaction.

Many other things for the eaſe, ſecurity, and comfort of the ſubject, have been by their great induſtrie, found and propounded, and by his Majeſties goodneſſe condeſcended unto. And novv vve are come ſo neere the happineſſe of being the moſt free and moſt ſetled Nation in the Chriſtian vvorld; Our dangers and miſeries vvill grovv greater and neerer unto us every day then other, if they be not prevented.

The King on his part offereth to concurre vvith us in the ſetling of all the liberties and immunities either for the proprietie of our goods, or libertie of our perſons, vvhich vve have received from our Anceſtors, or vvhich himſelfe hath granted unto us; and vvhat ſhall yet remaine for the good and comfort of his Subjects, He is vvilling to hearken to all our juſt and reaſonable propoſitions: And for the eſtabliſhing of the true Proteſtant Religion, he vvooes us to it: And the vviſdome and induſtry of the Parliament hath novv put it in a hopefull vvay.

The rule of his government, he profeſſeth ſhall be, the Lavves

of

of the Kingdome, And for the comforting and ſecuring of us, he offereth a more large and more generall Pardon, then hath bin granted by any of his Predeceſſors.

And truly (My Lords) This is all that ever vvas, or can be pretended unto by us.

VVe, on the other ſide make Profeſſion, That vve intend to make his Majeſty *a glorious King*, to indeavour to ſupport his Dignity, and to pay unto him that Duty and Obedience, vvhich by our Alleageance, ſeverall Oaths, and late Proteſtations vve ovve unto him, and to maintaine all his juſt Regalities and Prerogatives, vvhich I conceive to be as much as his Majeſtie vvill expect from us.

So that (My Lords) vve (being both thus reciprocally agreed of that vvhich in the generall vvould make both the King and People happy) ſhalbe moſt unfortunate, if vve ſhall not bring both Inclinations and Indeavours ſo to propound and ſettle particulars, as both King and People may knovv vvhat vvill give them mutuall Satisfaction, vvhich certainly muſt be the firſt Step to the ſetling a right underſtanding betvvixt them, And in this I ſhould not conceave any great difficulty, if it vvere once put into a vvay of preparation. But the greateſt difficulty may ſeeme to be, hovv that vvhich may be ſettled and agreed upon, may be ſecured. This is commonly the laſt point in Treaties betvvixt Princes, & of the greateſt niceneſſe, But much more betvvixt a King and his Subjects, vvhere that Confidence & Beleife vvhich ſhould be betvvixt them, is once loſt: And to ſpeake clearly, I fear that this may be our Caſe, and herein may conſiſt the cheifeſt difficulty of Accommodation; For it is much eaſier to compoſe differences ariſing from Reaſon (yea even from VVrongs) then it is to ſatisfy Iealouſies, vvhich ariſing out of Diffidence & Diſtruſt, grovv and are varyed upon every Occaſion.

But (My Lords) if there be no endeavours to *allay* and *remove* them, they vvill every day increaſe and gather ſtrength; Nay they are already grovvne to that height, and the mutuall replyes to thoſe direct termes of Oppoſition, that if vve make not a preſent ſtop, it is to be feared, it vvill ſpeedily paſſe fur-

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ther then *verball* Conteſtations.

I obſerve in ſome of his Majeſties Anſvvears, a Civill VVar ſpoken of: I confeſſe it is a vvord of Horrour to me, vvho have bin an eye-vvitneſſe of thoſe unexpreſſible Calamities, that (in a ſhort time) the moſt plentifull and flouriſhing Countries of *Europe* have been brought unto by an *inteſtine VVar*.

I further obſerve, that his Majeſty proteſteth againſt the miſeries that may enſue by a VVar, and that he is clear of them. It is true, That a Proteſtation of that kind is no actuall denouncing of VVar, but it is the very next degree to it, *Vltima admonitio*, as the Civilians terme it, *The laſt admonition*; So that vve are upon the very brinke of our miſeries: It is better keeping out of them, then getting out of them: And in a State, the VViſedome of Prevention, is infinitely beyond the VViſedome of Remedies. If for the Sins of this Nation, theſe miſunderſtandings ſhould produce the leaſt Act of Hoſtility, It is not almoſt to be believed, hovv impoſſible it vvere to put any ſtay to our miſeries; For a Civill VVar admits of none of thoſe Conditions, or Quarter, by vvhich Cruelty and Blood are amongſt other Enemyes kept from Extremities; Nay if it ſhould but ſo happen (vvhich God of his goodneſſe avert) That mutually Forces, and Armies ſhould be raiſed, Iealouſies and Fears vvould be ſo much increaſed thereby, that an Accommodation vvould be rendred full of difficulty and length; and the very Charge of maintaining them, (vvhilſt firſt a Ceſſation of Armes, and then a generall Accommodation vvere in treating) the VVealth of the Kingdome vvould be conſumed.

And of this vve had lately a coſtly Example; For in thoſe unhappy Troubles betvvixt us and *Scotland*, after there vvas a ſtop made to any further Acts of Hoſtility, and a deſire of Peace expreſſed on both ſides, Commiſſioners nominated, and all the Articles propounded; yet the keeping of the Armies together for our ſeverall Securities (vvhilſt the Ceſſation at *Ripon* and the Peace at *London* vvere in treating) coſt this Kingdome not much leſſe then a million of pounds. And if tvvo Armies be once on foot here in *England*, either a ſuddain Encounter muſt deſtroy

one of them, or the keeping of them both on foot, muſt deſtroy the Kingdome.

I hope therefore vve ſhall make it our endeavour by Moderation and Calmneſſe, yet to put a ſtay to our ſo near approaching miſeries, and that vve ſhall hearken to the vviſe Advice of our Brethren of *Scotland* in their late Anſvvear to the King and Parliament, vvherein they earneſtly intreat us, *That all means may be forborn, vvhich may make the Breach vvider, and the VVound deeper; and that no place be given to the evill Spirit of Diviſion, vvhich at ſuch times vvorketh unceſſantly, and reſteth not: But that the faireſt, the moſt Chriſtian, and compendious vvay may be taken by ſo vviſe a King and Parliament, as may (againſt all Malice and Oppoſition) make his Majeſty and his Poſterity more glorious, and his Kingdome more happy then ever.* And in another place they ſay, *That ſince the Parliament, hath thought meet, to draw the Practice of the Parliament of Scotland into Example, in point of Declaration: They are confident that the Affection of the Parliament will lead them alſo to the Practice of that Kingdome, in compoſing the unhappy Differences betvvixt his Majeſtie and them, and (ſo far as may conſiſt vvith their Religion, Liberties, and Lavves) in giving his Majeſtie all Satisfaction, eſpecially in their tender Care of his Royall Perſon, and of his Princely Greatneſſe and Authority.*

Certainly (My Lords) this is vviſe and brotherly Advice, and I doubt not but vve are all deſirous to follovv it. VVe muſt not then ſtill dvvell upon generals, (for generals produce nothing) But vve muſt put this Buſineſſe into a certain vvay, vvhereby particulars may be deſcended unto; And the vvay that I ſhall offer vvith all humility is, That there may be a ſelect Committee of choiſe Perſons of both Houſes, vvho may, in the firſt place truly ſtate, and ſet dovvne all things in difference betvvixt the King & the Subject, vvith the moſt probable vvay of reconciling them: Secondly, to deſcend unto the particulars, vvhich may be expected by each from other, either in point of our ſupporting of him, or his relieving of us. And lattly, hovv all theſe Conditions, being agreed upon, may be ſo ſecured, as may ſtand vvith the Honour of his Majeſtie, & the ſatisfactiō of the Subject,

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VVhen ſuch a Committee ſhall have dravvne up the heads of the Propoſitions, and the vvay of ſecuring them, they may be preſented unto the Houſes, and ſo offered unto his Majeſtie by ſuch a VVay, as the Parliament ſhall Iudge moſt probable to produce an Accommodation.

My Lords, VVhat I have yet ſaid unto you, hath bin cheifly grounded upon the Apprehenſions, and Fears of our future Dangers. I ſhall ſay ſomething of the unhappineſſe of our preſent Eſtate, vvhich certainly ſtandeth in as much need of Releife and Remedy, as our fears do of Prevention; For although the King & People vvere fully united, and that all men that novv dravv ſeverall vvaies, ſhould unanimouſly ſet their hand to the vvorke, yet they vvould find it no eaſy taske, to reſtore this Kingdome to a proſperous and comfortable Condition: If vve take into our Cõſideration the deplorable Eſtate of *Ireland*, likely to drain this Kingdome of Men & Treaſure: If vve conſider the Debts and Neceſſity of the Crovvne, the Ingagements of the Kingdome, the great and unuſuall Contributions of the People, the vvhich although they may not be ſo much to their Diſcontent, (for that they have bin legally raiſed) yet the burthen hath not been much eaſed: let us likevviſe conſider the Diſtractions (I may almoſt call them Confuſions) in point of Religion, vvhich of all other Diſtempers are moſt dangerous and deſtructive to the Peace of a State.

Beſides theſe publique Calamities, let everv particular man conſider the diſtracted diſcomfortable eſtate of his ovvne Condition: for mine ovvne part, I muſt ingeniouſly profeſſe unto your Lordships, That I cannot find out (under the different Commands of the King and the Parliament) any ſuch Courſe of Caution and VVarineſſe, by vvhich I can promiſe to my ſelfe Security or Safety. I could give your Lordſhips many inſtances of the Inconſiſtency and Impoſſibility of obeying theſe Commands: But I ſhall trouble you vvith only one or tvvo.

The Ordinance of Parliament (novv in ſo great agitation) commandeth all Perſons in Authority, *to put it in execution*, & all others *to obey it according to the Fundamentall Lavvves of the Land:*

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The King declareth it to be *contrary to the Fundamentall Lavves, againſt the Subject, and Rights of Parliament*; And commandeth all his Subjects of vvhat degree ſoever, upon their Alleageance *not to obey the ſaid Ordinance*, as they vvill anſvvear the contrary at their perils.

So likevviſe in point of the King, commanding *the Attendance of divers of us upon his Perſon*, vvhereunto vve are obliged by ſeverall relations of our Services and Oaths; in caſe vve comply not vvith his Commands, vve are liable to his Diſpleaſure, and the loſſe of thoſe places of Honour and Truſt, vvhich vve hold under him: If vve obey his Commands vvithout the leave of the Parliament (vvhich hath not bin allvvayes granted) vve are liable to the Cenſure of Parliament; And of both theſe vve vvant not freſh Examples. So that certainly this cannot but be acknovvledged to be *an unhappy and uncomfortable condition.*

I am ſure I bring vvith me a ready and obedient Heart, to pay unto the King all thoſe duties of Loyalty, Alleageance, and Obedience vvhich I ovve unto him; And I ſhall never be vvanting tovvards the Parliament, to pay unto it all thoſe due Rights, and that Obedience vvhich vve all ovve unto it. But in contrary Commands a Conformity of Obedience to both, is hardly to be lighted on. The Reconciliation muſt be in the Commanders, and the Commands; and not in the Obedience, or the Perſon that is to obey. And therefore untill it ſhall pleaſe God to bleſſe us vvith a right underſtandig betvvixt the King and Parliament, and a Conformity in their Commands, neither the Kingdome in publique, nor particular men in private, can be reduced to a ſafe or comfortable Condition.

I have ſaid thus much to give Occaſion to others to offer likevviſe their Opinions; For if vve ſhall ſit ſtill, and nothing (tending to the ſtay of the unhappy miſunderſtandings, namely betvvixt the King & his People) be propunded: It is to be feared, that our miſeries vvill haſten ſo faſt upon us, that the ſeaſon and opportunity of applying Remedies may be paſt.

I have herein diſcharged my Conſcience, ſutable to that duty, vvhich I ovve to the King my Soveraigne and Maſter, and ſu-

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table to that zeale and affection, vvhich I ſhall ever pay to the happineſſe and proſperity of the Kingdome, tovvards vvhich I ſhall ever faithfully contribute my humble Prayers and honeſt Endeavours. And I ſhall no vvay doubt (vvhatſoever ſucceſſe this my Propoſition may have) it vvill be accompanyed vvith the good vviſhes of your Lordſhips, and of all peaceable, and vvell-minded men.

THE

EARLE OF BRISTOLS SPEECH

IN THE HOVSE OF PEERES

The 11. *of June* 1642.

MY LORDS,

You vvere pleaſed not many dayes ſince, to declare your diſpleaſure for the printing of a Speech made by me in this Houſe, on the 20. of May laſt; and the Cauſe of your diſpleaſure vvas declared to be, for that the ſaid Speech did ſeeme to inſinuate, that my former motions for *Accommodation*, had found but little Acceptance, vvhereby there vvas caſt upon the Houſe an Imputation, as though it ſhould not be inclined thereunto.

Your Lordſhips Diſpleaſure in that kinde hath given me Incouragement to renevv my former Motion, hoping it may be novv more ſeaſonable then at former times; At leaſt (My Lords) I fear it is at ſuch a ſeaſon, that vvhoſoever is deſirous to move for the preventing of a Civill VVar, ought to ſpeak novv, or he may hereafter hold his peace; For differences are reduced to that height of oppoſition, betvvixt his Majeſtie and the Houſes, that if ſome ſpeedy means be not laid hold of for the allaying and reconciling of them, it is to be feared, that a very fevv dayes vvill change our Conteſtations, vvhich yet are only in vvords and vvriting, into actions of blood and open

Hoſtility, the vvhich certainly may yet by your Lordſhips vviſdomes be prevented; but being once begun, vvill not be remedied, but after long time, and unſpeakeable miſeryes.

The vvay that I preſumed formerly to offer vvas, that this Honourable Houſe vvould be pleaſed to move, that a ſelect Committee of choiſe Perſons of both Houſes might be nominated, vvho may truly ſtate, and ſet dovvne all things in difference betvvixt the King and the Subject, vvith the moſt probable vvayes of reconciling of them: Secondly to deſcend unto the particulars, vvhich may in reaſon be expected by each from other, either in point of our ſupporting of the King, or of his releiving of us: And Laſtly, hovv all thoſe Conditions being agreed upon, may be fittingly ſecured.

My Lords, The greateſt difficultie (as appeareth unto me) in this point of *Accommodation*, (vvhich ſo highly importeth the good of the King, of the Kingdome, and our ovvne) conſiſteth in the beginning of it. For certainly if it vvere once put into a vvay (being accompanyed vvith the Inclination vvhich your Lordſhips expreſſe to it, and vvith thoſe earneſt deſires vvhich the King profeſſeth by his ſo many Invitations, that vve vvould clearly ſet dovvne all that (from him) vvould give us ſatisfaction) it could not miſſe of a happie, and bleſſed Concluſion: For, in ſubſtance, if our deſires be ſuitable to our profeſſions, vve are agreed: For our profeſſions are that vve intend to pay unto the King all Dutyes of *Loyalty* and *Obedience*, and to make him *a Glorious King*. The King ſaith, that to thoſe great Liberties and Eaſes vvhich he hath already granted unto us this Parliament, he is ready to adde any thing that ſhalbe (vvith reaſon) further propounded unto him for our Comfort and Satisfaction, So that little ſeemeth to remain, but that from Generals vve fall to the Individualls, and expreſſe particularly vvhat vve mean by making him *a Glorious King*, And paying unto him *Loyalty* and *Obedience*, And likevviſe that the Individualls for our further Comfort and Satisfaction be propounded, So that the intentions of the one and the other being clearly knovvn, if any thing remain in difference, it may by Treaty, and by calme vvayes of

Debate

Debate be reconciled, VVhereas the Profeſſions that are nowv made on either ſide of deſiring *an Accommodation*, being only in Generals, tend rather to a Vindication or Iuſtification of one part againſt the other, then any vvay to advance *an Accommodation*, vvhereas in particular Propoſals, Reaſon and Equitie vvould ſvvay; and if vve do really deſire *Peace*, as vve profeſſe, vve ſhould on both ſides ſtretch tovvard the effecting of it, vvhereas if VVar be once on foot, it is no longer Reaſon and Iuſtice vvhich vve make the Rules of our demands and Propoſitions, but Succeſſe; vvhich as it is unequitable, So it is a leaden uncertain Rule, bovving and bending to the various Chances of VVar, and of Advantage; And therefore, if vve do heartily deſire *Peace*, Let's follovv our Saviours Counſell, Agree vvith our Adverſary vvhilſt he is yet on the vvay, Othervviſe vve ſhall finde by ſad experience, that, that vvhich might novv be eaſily prevented, ſhall hardly hereafter be remedied.

If a VVar happen to be here in *England*, (vvhich God avert) it cannot be but moſt bloody and feirce, For being ſhut up here in an *Iſland*, vve ſhall fight as in a Cock-pit; And there being in the Kingdome fevv conſiderable ſtrengths, there muſt of neceſſity be more fighting in a year or tvvo, then hath bin in the Lovv Countryes in tvventy. It is probable the VVar vvill not be ſo long, but it vvilbe more bloody; And if vve ſhould prevaile for the preſent, there vvill remain a ſucceſſion of troubles. VVe all bear a reverence to Monarchy, under vvhich, vve and our Auncеſtors have lived ſo many Ages, And the King is bleſſed vvith a plentifull Iſſue, And our Profeſſions and Intentions are not to caſt off juſt Subjection, but to preſerve juſt Libertie, vvhich I am moſt confident vve may do vvithout the hazard of a VVar; And vvhat vvith our auncient Priviledges, his Majeſties nevv Conceſſions, and vvhat he yet further offereth, vve may remain the happieſt and the freeſt Subjects that live under any King; The King likevviſe vvhatſoever Succeſſe he may have, vvilbe no Gainer by a VVar, For if he ſhould conceave by Force to introduce an Arbitrary Government, (vvhich I am moſt aſſured is far from his thoughts) he vvill find his ovvne Adherents, his cheife oppo-

oppoſers; vvho although they may fight in defence of his Perſon, and juſt Rights, according to their Oaths and Allegeance, yet they vvilbe loath to fight themſelves into ſlaverie. So that vvhat is good for him, vvilbe good for us, vvhich is an happy and equitable Agreement, and the contrarie vvill make both miſerable, in ſo great a degree, that as novv vve may be juſtly eſteemed the happieſt Kingdome in *Europe*, and the very Envie of all our Neighbours; So in a ſhort time, if a Civill VVar break in amongſt us, vve ſhall remain the Scorne or the Pitty of them.

I am far from thinking that any of your Lordſhips are leſſe inclined to an *Accommodation* then my ſelfe, but ſome body muſt be the mover, And thoſe miſerable ſpectacles, vvhich mine eyes have of late years beheld in the *Palatinate* & in *Germany*, make me zealous and importunate, that they be prevented here, if ſuch be Gods holy vvill; if not, yet I ſhall have this particular Comfort (vvhat fortune ſoever ſhall befall me) That as I am aſſured that I have had no hand in any of thoſe things vvhich have cauſed the unhappy differences betvvixt the King and his People, ſo I ſhall appeale unto your Lordſhips, if I have not bin ſubſervient unto your Lordſhips in all things, that might have removed theſe miſunderſtandings, and to have imployed my Indeavours and ſolicitation, even unto Importunity, for the ſetting on foot ſome vvay of *Accommodation*, vvhereby only our unſpeakable Calamityes (and very near at hand) can be diverted from us.

NINETEENE PROPOSITIONS SENT VNTO his Majesty the 2. of Iune 1642.

1. *THat the Lords and others of your Majesties privy Counsell, & such great Officers and Ministers of State, either at home or beyond the seas, may be put from your privy Counsell, and from those Offices and Imployments, excepting such as shall be approved of by both Houses of Parliament; And that the Persons put into the Places and Imployment of those that are removed, may be approved of by both Houses of Parliament. And that privy Counsellors shall take an Oath for the due execution of their Places, in such forme as shalbe agreed upon by both Houses of Parliament.*

2. *That the great Affaires of the Kingdome may not be concluded or transacted by the Advice of private Men, or by any unknown, or unsworn Counsellors; but that such matters as concern the Publique, and are proper for the high Court of Parliament, which is your Majesties great and supream Counsell, may be debated, resolved, & transacted only in Parliament, and not elsewhere; And such as shall presume to do any thing to the contrary, shall be reserved to the Censure and Iudgement of Parliament; And such other matters of State as are propper for your Majesties privy Counsell, shall be debated & concluded by such of the Nobility and others, as shall from time to time be chosen for that Place by Approbation of both Houses of Parliament. And that no publike Act concerning the Affaires of the Kingdome, which are propper for your privy Counsell, may be esteemed of any Validity as proceeding from the Royall Authority; unlesse it be done by the Advice and Consent of the Major part of your Counsell, attested under their hands. And that your Counsell may be limited to a certain Number, not exceeding twenty five, nor under fifteene; And if any Counsellors Place happen to be voyd in the Intervall of Parliament, It shall not be supplyed without the Assent of the Major part of the Counsell, which choice shalbe confirmed at the next sitting of Parliament; or else to be voyd.*

3. *That the Lord High Steward of England, Lo. High Constable,*

ble, Lo. Chancellor, or Lo. Keeper of the great Seal, Lo. privy Seal, Earle Marshall, Lo. Admirall, VVarden of the Cinque Ports, cheif Governour of Ireland, Chancellor of the Exchequer, Master of the VVards, Secretaries of State, two cheif Iustices & cheif Baron may always be chosen, with the Approbation of both Houses of Parliament; and in the Intervall of Parliaments by Assent of the Major part of the Counsell, in such manner as is before expresst in the choice of Councellors.

4. That he or they, unto whom the Government and Education of the Kings Children, shall be committed, shall be approved of by both Houses of Parliament; and in the Intervals of Parliament, by the Assent of the Major part of the Counsell, in such manner as is before expresst in the choice of Counsellors; And that all such servants as are now about them, against whom both Houses shall have any just exceptions, shall be removed.

5. That no Marriage shall be concluded, or treated for any of the Kings Children, with any forreign Prince, or other Person whatsoever abroad or at home, without the Consent of Parliament, under the penalty of a præmunire unto such as shall conclude or treat any Marriage as aforesaid; and that the said penalty shall not be pardoned, or dispensed with, but by the Consent of both Houses of Parliament.

6. That the Lawes in force against Iesuits, Preists, and Popish Recusants, be strictly put in Execution without any toleration or dispẽsation to the contrary; And that some more effectuall Course may be enacted by Authority of Parliament, to disable them from making any Disturbance in the State, or eluding the Law by Trusts or otherwise.

7. That the Votes of Popish Lords in the House of Peeres may be taken away, so long as they continue Papists; And that your Majesty will consent to such a Bill as shall be drawn for the Education of the Children of Papists by Protestants in the Protestant Religion.

8. That your Majesty will be pleased to consent, that such a Reformation be made of the Church Government and Liturgy, as both Houses of Parliament shall advise; wherein they intend to have Consultation with Divines, as is expressed in their Declaration to that purpose; And that your Majesty will contribute your best assistance to them, for the raising of a sufficient maintenance for preaching

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Miniſters thorough the Kingdome; and that your Majeſty vvill be pleaſed to give your Conſent to Lavves for the taking avvay of Innovations, and Superſtition, and of Pluralities, and againſt ſcandalous Miniſters.

9. *That your Majeſty vvill be pleaſed to reſt ſatisfyed vvith that Courſe that the Lords and Commons have appointed for ordering of the Militia, untill the ſame ſhall be further ſetled by a Bill; And that your Majeſty vvill recall your Declarations and Proclamations againſt the Ordinance made by the Lords and Commons concerning it.*

10. *That ſuch Members of either Houſe of Parliament as have during this preſent Parliament been put out of any Place and Office, or othervviſe, have ſatisfaction for the ſame, upon the Petition of that Houſe vvhereof he or they are Members.*

11. *That all privy Counſellors and Iudges may take an Oath, the forme vvhereof to be agreed on, and ſetled by Act of Parliament, for the maintaining of the Petition of Right, and of certain Statutes made by this Parliament, vvhich ſhall be mentioned by both Houſes of Parliament; and that an Inquiry of all the breaches and violations of thoſe Lavves, may be given in charge by the Iuſtices of the Kings Bench every Terme, and by Iudges of Aſſiſe in their Circuits, and Iuſtices of the Peace at the Seſſions, to be preſented and puniſhed according to Lavv.*

12. *That all the Iudges and all the Officers Places by Approbation of both Houſes of Parliament may hold their Places,* Quamdiu benè ſe geſſerint.

13. *That the Iuſtice of Parliament may paſſe upon all Delinquents, vvhether they be vvithin the Kingdome, or fled out of it, And that all Perſons cited by either Houſe of Parliament, may appear and abide the Cenſure of Parliament.*

14. *That the generall Pardon offered by your Majeſty may be granted vvith ſuch Exceptions as ſhall be adviſed by both Houſes of Parliament.*

15. *That the Forts and Caſtles of this Kingdome may be put under the Command and Cuſtody of ſuch Perſons as your Majeſty ſhall appoint, vvith the Approbation of your Parliament; and in the Intervals of Parliament, vvith the Approbation of the Major part of the Counſell,*

Counſell, in ſuch manner as is before expreſſed in the Choice of Counſellors.

16. *That the extraordinary Guards and Military Forces now attending your Majeſty may be removed and diſcharged; and that for the future you will raiſe no ſuch Guards or extraordinary Forces but according to the Law, in caſe of actuall Rebellion or Invaſion.*

17. *That your Majeſty will be pleaſed to enter into a more ſtrict Allyance with the States of the United Provinces, and other Neighbour Princes, and States of the Proteſtant Religion, for the defence and maintenance thereof, againſt all deſignes and attempts of the Pope and his Adherents to ſubvert and ſuppreſſe it, whereby your Majeſty will obtain a great acceſſe of Strength and Reputation, and the Subjects be much incouraged and enabled in a Parliamentary way for your Ayd and Aſſiſtance, in reſtoring your Royall Siſter and her Princely Iſſue, to thoſe Dignities and Dominions which belong unto them, and relieving the other diſtreſſed Proteſtant Princes who have ſuffered in the ſame Cauſe.*

18. *That your Majeſty will be pleaſed by Act of Parliament to clear the Lord Kimbolton and the five Members of the Houſe of Commons, in ſuch manner, that future Parliaments may be ſecured from the Conſequent of that evill Preſident.*

19. *That your Majeſty will be pleaſed to paſſe a Bill for reſtraining Peeres made hereafter, from ſitting or voting in Parliament, unleſſe they be admitted thereunto with the Conſent of both Houſes of Parliament.*

H. Elsyng, Cler. Parl. D. Com.

The Oath of Supremacy, Cited page 31.

I, A. B. do utterly teſtifie and declare in my Conſcince, that he Kings Highneſſe is the only ſupream Governour of this Realme, and of all other his Highneſſe Dominions and Countries, as vvell in all Spirituall or Eccleſiaſticall things, or cauſes, as Temporall, &c. I do promiſe that from henceforth, I ſhall bear Faith and true Allegeance to the Kings Highneſſe, his Heires, and lavvfull Succeſſours, and to my povver ſhall aſſiſt & defend all Iuriſdictions, Priviledges, Preheminences, and Authorities granted or belonging to the Kings Highneſſe, his Heires, & Succeſſours, or united and annexed to the Imperiall Crovvne of this Realme. So helpe me God and by the Contents of this Booke.

The Oath of a Privy-Counſellour, Cited pag. 32.

You ſhall ſvveare to the uttermoſt part of your cunning, vvit, ſkill, and povver, you ſhall be true and faithfull to the Kings Majeſty our moſt dread and Soveraign Lord, and to his Highneſſe Heires, and Succeſſours, Kings and Queenes of *England* according to the Statute for the eſtabliſhment of the Succeſſion of the Crovvne Imperiall of this Realme; You ſhall not knovv nor heare any thing that may in any vviſe be prejudiciall to his Majeſty, or to his Heires and Succeſſours in forme aforeſaid, or to the Common VVealth, Peace and Quiet of this his Majeſties Realme; but you ſhall vvith all diligence reveal, and diſcloſe the ſame to his Majeſty, or to ſuch perſon, or perſons of his Highneſſe Privy-Counſell, as you ſhall thinke may and vvill honeſtly convey and bring it to his Majeſties knovvledge; You ſhall ſerve his Majeſty truly and faithfully in the roome and place of his Highneſſe Privy-Counſell: You ſhall keepe cloſe and ſecret all ſuch matters as ſhalbe treated, diſputed, debated, and reſolved of in Counſell, vvithout diſcloſing the ſame or any part thereof, to any but only to ſuch as be of the Privy-Counſell: And yet if any matter ſo propounded, treated, diſputed, and debated in any ſuch Counſell, ſhall touch any particular perſon ſvvorne of the ſame upon any ſuch matter as ſhall in any vviſe concern his fidelity and truth to the Kings Majeſty, you ſhall in

no vvise open the same to him, but keepe it secret as you vvould do from another person, till the Kings pleasure be knovvn in that behalfe: You shall in all things to be moved, treated, disputed, and debated in any such Counsell, faithfully and truly declare your mind and opinion according to your heart and conscience, in no vvise forbearing so to do for any matter of respect or favour, love, meed, dread, displeasure, or corruption. Finally you shall be vigilant, diligent, and circumspect in all your doings and proceedings touching the Kings Majesty and his Affaires: All vvhich points before expressed, you shall faithfully observe, fulfill, and keep to the utmost of your povver, vvit, and cunning, So God you helpe and by the holy Contents of this Booke.

The Negative Oath. Cited page 32.

I, A. B. doe svveare from my heart, that I vvill not directly nor indirectly adhere unto, or vvillingly assist the King, in this VVar, or in this Cause, against the Parliament, nor any forces raised vvithout the Consent of the tvvo Houses of Parliament in this Cause or VVar. And I do likevvise svveare that my coming and submitting my selfe under the povver and protection of the Parliament is vvithout any manner of designe vvhatsoever, to the prejudice of the proceedings of the tvvo Houses of this present Parliament, and vvithout the privity or advice of the King or any of his Counsell or Officers, other then vvhat I have novv made knovvn. So helpe me God, &c.

An Act of Parliament 1. Jac. cap. 1. acknovvledging the Right of the Crovvne to him and his successours by inherent birth-right, &c. Cited pa. 19.

VVe do upon the knees of our hearts agnize constant Faith, Loyalty, & Obedience to the King & his Royall Progeny in this high Court of Parliament, vvhere all the body of the Realme is either in Person or by representation. VVe do acknovvledge that the true and sincere Religion of the Church is continued & established by the King; And do recognize as vve are bound by the Lavv of God and man the Realme of *England*, and the Imperiall

Crovvnne

Crovvne thereof doth belong to him, by inherent Birth-right, and lavvfull and undoubted ſucceſſion; and ſubmit our ſelves and our poſterities (untill the laſt drop of our bloud be ſpent) to his Rule, And beſeech the King to accept the ſame, as the firſt fruits of our Loyalty and Faith to his Majeſty and his Poſterity for ever, And for that this Act is not compleat nor perfect vvithout his Majeſties Conſent, the ſame is humbly deſired.

A Declaration vvhich Offences ſhall be adjudged Treaſon, Anno 25. Edvv. 3. cap. 2. Cited pa. 35.

VVhereas divers Opinions have been before this time, in vvhat Caſe Treaſon ſhall be ſaid, and in vvhat not; The King at the requeſt of the Lords and of the Commons hath made a Declaration in the manner as hereafter follovveth; That is to ſay, vvhen a man doth compaſſe or imagine the death of our Lord the King, or of our Lady his Queene, or of their eldeſt Sonne and Heire: or if a man do violate the Kings Companion, or the Kings eldeſt Daughter unmarried, or the VVife of the Kings eldeſt Sonne and Heire, or if a man do levy VVar againſt our Lord the King in his Realme, or be adherent to the Kings Enemyes in his Realme, giving to them aid and Comfort in the Realme or elſevvhere, and thereof be proveably attainted of open deed by people of their Condition. And if a man Counterfeit the Kings great or privy Seale, or his money; and if a man bring falſe money into this Realme, counterfeit to the money of *England*, as the money called *Luſtburgh*, or other like to the ſaid money of *England*, knovving the money to be falſe, to merchandiſe or make paiment, in deceit of our ſaid Lord the King, and of his people, &c.

Certain Articles taken out of a Proteſtation of the Kings Supremacie, made by the non-conforming Miniſters vvhich vvere ſuſpended or deprived 3. Iac. anno Dom. 1605. Cited page 51.

Art. 4. VVe hold, that though the Kings of this Realme vvere not Members of the Church, but very Infidels, yea, and Perſecutors

cutors of the truth, that yet thoſe Churches that ſhall be gathered together vvithin theſe Dominions, ought to acknovvledge and yeild the ſaid Supremacie unto them. And that the ſame is not tyed to their Faith and Chriſtianity, but to their very Crovvne, from vvhich no Subject or Subjects have povver to ſeperate or disjoine it.

Ar. 6. VVe hold, that no Church or Church-Officers have povver for any Crime vvhatſoever, to deprive the King of the leaſt of his Royall Prerogatives vvhatſoever, much leſſe to deprive him of his Supremacie, vvherein the height of his Royall Dignity conſiſts.

Art. 9. VVe hold, that though the King ſhould command any thing contrary to the vvord unto the Churches, that yet they ought not to reſiſt him therein, but only peaceably to forbeare Obedience, and ſue unto him for Grace and Mercy, and vvhere that cannot be obtained, meekly to ſubmit themſelves to the puniſhment.

Animadverſions upon ſome particulars ſet dovvne in the 57. *&* 58. *pages of this Diſcourſe, there referred to this Appendix for not interrupting the Series thereof, here expreſſed more fully.*

1. *That Ordinances of the tvvo Houſes vvithout the King, have not the povver of Acts of Parliament.*

If Ordinances vvithout the Kings aſſent, ſhould have the force of Acts of Parliament; our Lives, Eſtates, and Lavves might be arbitrarily diſpoſed of by the tvvo Houſes; for that Acts of Parliament have undeniably povver over them all.

If Ordinances have povver of Acts of Parliament, the King hath no negative Voice, vvhich hath bin acknovvledged in all times, and that no Act of Parliament bindeth the Subject vvithout the Kings aſſent, neither is it othervviſe a Statute. 12. *H.* 7. 24. *H.* 8. *cap.* 12. 25. *H.* 8. *cap.* 21. This hath likevviſe been acknovvledged ſeverall times at the beginning of this Parliament, before the Doctrine of Coordination vvas hatched, as vvill appear by their bookes of *Ordinances* and *Declarations*. 1. *par. fol.* 727. 1. *Iac. cap.* 1. 1. *Car. cap.* 7.

If the King hath not his negative Voice, he vvere the only Slave

Slave in his Kingdome; for that he alone ſhould be tyed to Lavves, to vvhich he had not aſſented: vvhereas all other men either by themſelves or their Repreſentatives give their Conſents to the Lavves they live under, vvhich is the true marke betvvixt Slavery and free Subjection; Slaves living under the vvill of the Prince, free Subjects under Lavves to vvhich themſelves or their Anceſtors have aſſented: And the King only ſhall be bound and ſvvorne to thoſe Lavves, vvhich are impoſed upon him vvithout his Conſent, vvhich vvere irrationall as vvell as illegall.

Ordinances vvere never pretended but only *pro tempore*, 4. *part. Inſt. fol.* 23. 48. 292. 2. *part. Inſt. fol.* 47. 48. *Rot. Par.* 1. *num.* 4. *Ed.* 3.

2. *That the ordering of the Militia appertaineth to the King.*

The Militia belongeth to the King, as unſeperable from the Crovvne, vvithout vvhich he cannot protect nor puniſh, vvithſtand Enemies or ſuppreſſe Rebels; The Lords and Commons cannot aſſent in Parliament to any thing that tends to the diſheriſon of the Crovvne. 4. *par. Inſt. fol.* 14. 42. *Ed.* 3.

The Lavv doth give it him, *Stat.* 7. *Ed.* 1. vvith many other ſtatutes, beſides practice of all times, and cuſtome of the Realm. *Cooke* 4. *part. Inſt.* 51. 125.

The Forts and Navy Royall are his; and to ſeize any of them is Treaſon. 25. *Ed.* 3. 1. *Ma. &c.* So declared by all the Iudges of *England* in *Brookes* Caſe.

3. *That the great Seale appertaineth only to the King.*

The great Seale being the povver by vvhich the Kings Royall Commands are legally diſtributed and conveyed, cannot be ſevered from the Crovvne, vvithout the overthrovv and deſtruction of Soveraignity. 2. *part. Inſt.* 552. And to conterfeit the great Seale is high Treaſon, 25. *Ed.* 3. 1. *H.* 4. *cap.* 2. 1. *Mar. ſeſſ.* 2. *cap.* 6.

4. *The Church government.*

For the Church Government, The Houſes have ſvvorne the King to be the only Supream Governour in all Cauſes and over all Perſons as vvell Eccleſiaſticall as Civill. The tvvo Houſes of Parliament may humbly offer to the King ſuch Alterations and Reformations in Government as they ſhall thinke fit: But to overthrovv and change the Government vvithout

the Conſent of the ſole Supream Governour, nay contrary to his expreſſe Command and publique Declarations, is againſt naturall reaſon and Common Lavv, as vvell as againſt the ſaid Oath.

The tvvo Houſes are (as they ſay) the Kings great Counſell, vvhich is true of the Houſe of Peeres; The Houſe of Commons VVrit is only *ad faciendum & conſentiendum*: But admitting them to be the Kings great Counſell, it is a great abſurdity and Non-ſence, that Counſellors ſhould compell Conſent.

The Government of the Church is eſtabliſhed by Lavv, and by many Acts of Parliament, To adviſe the repealing of the ſaid Acts, the Houſes may do; But vvithout the Kings aſſent by force to indeavour the change of the Government, either in Church or Eſtate, is high Treaſon, ſo ackovvledged by Mr. St. *Iohns* at the Arraignment of the *Earle of Strafford*, and ſo declared by ſeverall Lavves. And vvas one of the Charges of Treaſon againſt the *Lord of Canterbury*.

5. *The proſcribing of their fellovv Subjects vvithout Tryall.*

It is contrary to all divine and humane Lavves that any man ſhould be condemned unheard or untryed. And the Lavv of the Land in *Magna Charta* ordereth, That no man looſe Life or Eſtate but *per judicium parium, aut legem terræ*; And the ſtat. 2. *Phil. and Ma.* that all Tryals for Treaſon be by Courſe of the Lavv, *Petition of Right* 3. *Car.*

6. *To grant Pardons belongeth only to the King.*

It is an inherent flovver of the Crovvne, And by the Common Lavv, Mercy belongeth to him as vvell as Iuſtice; And is ſo expreſly declared, and annexed unto the King by the ſtat. of the 27. *H.* 8. *cap.* 24.

7. *The taking avvay of the Lãds of Biſhops and Cathedrall Churches.*

The Revenues of the Church have been annexed unto it for the better part of one thouſand years, confirmed by many Charters from all our Kings, have Preſcription of many hundreds of years, and are as firmely annexed to the Church, as Lavv, Charters, or Preſcription can ſettle them; Novv if theſe Revenues ſhall be taken avvay & diſpoſed of vvithout proceſſe of Lavv, vvithout the Kings conſent vvho is ſvvorn to uphold them, and is founder of them all, vvithout the Conſent or forfeiture of the poſſeſſors; VVhat man can thinke he hath a bet-

ter

ter Title to any thing he holdeth, or aſſure himſelfe of any Land, or other thing he poſſeſſeth for one day longer then the Houſes ſhall pleaſe. Beſides it is againſt *Magna Charta*, the Lavv, and the Kings Oath, and the Vſance of the Kingdome in all times.

8. *The Court of VVards.*

For the King to have VVardſhips, is an inheritance and Right of the Crovvne, approved by the Common Lavv of *England*, and acknovvledged and ſubmitted unto in all Ages; And the Court of VVards is ſetled and eſtabliſhed by Act of Parliament in the time of *H.* 8. And it vvas indeavoured to be compounded for at a valuable conſideration in the time of King *Iames*, and by him refuſed becauſe it vvas ſo great a flovver of his Crovvne as vvas not fit to be ſevered from it. And novv if the Houſes ſhould force a Bargaine at their ovvne pleaſure, and their ovvne price, it vvere contrary to all Lavv, all Reaſon, and Morall Iuſtice, and to the diſheriſon of the Crovvne.

9. *Touching the Kings Children.*

The detaining of the Kings Children under their governance: The ordering of their Education, and their future Mariage cannot belong unto the Houſes, but unto the King, by all divine & humane Lavves, and by the Lavv of Nature, Neither is the contrary any vvhere practiſed, but by the great Turke.

10. *Touching impoſing of nevv Oaths.*

No nevv Oaths can be impoſed upon the Subject, but by the vvarrant of an Act of Parliament, as is declared by the Petition of Right, and is ſo ſetled by the Act of 3. *Car.* and hath bin ſo declared during this Parliament by the tvvo Houſes, upon occaſion of the nevv Canons as appears in the Collection of their ovvne Orders. *pag.* 859. 860. 908. 910. And vve find the tvvo Oaths of Supremacy and Alleageance, the firſt, in 1. *Eliz.* the ſecond in 3. *Iac.* vvere both framed and injoined to be taken in and by ſeverall Acts of Parliament: and yet novv do the Houſes preſſe Oaths upon their fellovv Subjects, utterly inconſiſtent vvith the other legall Oaths vvhich they have formerly taken; and for the refuſall of their Oath of Covenant and of their Negative Oath, (in expreſſe termes to abjure their Alleageance to their Soveraign) they condemne them of Malignancy (a nevv vvord of Art, not formerly knovvn to the Lavves of *England.*)

It

11. *Concerning Treason.*

It is defined by the Act of the 25. *Ed.* 3. *cap.* 2. and afterwvard 1. *H.* 4. *&* 2. *Ma.* that Act vvas confirmed and enacted, That nothing ſhould be adjudged Treaſon, but vvhat is declared to be ſo by the Statute of the 25. *Ed.* 3. or ſhould be aftervvards declared to be Treaſon by Parliament, vvhich is underſtood to be by Act of Parliament, vvhich cannot be vvithout the Kings Royall aſſent; and therefore in the Reigne of *H.* 8. vve find ſeverall Treaſons enacted to be ſo by Parliament vvhich aftervvards vvere all repealed, by that of the 2. *Mar.* And againe in the Reigne of Queene *Mary*, Queene *Eliz.* and King *James*, nevv Treaſons declared by nevv Acts of Parliament in their ſeverall times: But novv in this preſent Seſſions, the tvvo Houſes in many ſeverall Caſes ſingly of themſelves vvithout the ſolemnity of an Act, by an Ordinance only, have ordered that men ſhould die as Traitors, and looſe their vvhole Eſtates vvithout pardon or mercy, for ſuch ſuppoſed Crimes, as formerly vvere ſo far from being Treaſon, as that they are not legally Crimes or miſdemeanours, as may be inſtanced in divers particulars, out of their ovvne Coll. of Orders.

12. *The treating vvith forreign Princes and States.*

The treating vvith forreign Princes and States, the making of Peace and VVar, and the ſending of Ambaſſadors or Meſſengers to thoſe purpoſes, are Acts meerly regall and inherent in the Crovvne, and never queſtioned till novv. By the Statute of 2. *H.* 5. *cap.* 6. The breaking of Truce and Safe-Conducts is enacted to be Treaſon, ſo much it importeth the Honour of the Crovvne. The King may out of doubt conclude Peace or proclaime VVar vvithout his Houſes of Parliament. But to contribute to the maintenance of a forreign VVar, the Aſſent of the Houſes is neceſſary, it being in their free liberty to give or not to give Subſidies or other Aides to that purpoſe. But for the making of Peace or VVar they have no Votes, but it is in the ſole povver of the King. Yet doubtleſſe Kings do the more prudently, vvhen they take the advice and affections of their people along vvith them in thoſe vveighty affaires, eſpecially in making a VVar vvith a forreign Prince or people, othervviſe they ſhall hardly have the Aſſiſtance of their purſes,

vvithout

vvithout vvhich the Kings of *England* can hardly make or maintaine a VVar to their Advantage.

13. *The nominating of Iudges, Sheriffs, Iuſtices, &c.*

The nominating of Iudges, Sheriffs, Iuſtices of Peace, &c. vvas never pretended unto by the Parliament, but in tumultuous and rebellious times; and the Kings of *England* for ſome hundreds of yeeres laſt paſt have nominated and appointed them by their VVrits or Commiſſions under their great Seale. And by the Acts of 9. *Ed.* 2. the Statute of *Lincolne*, and 12. *R.* 2. *cap.* 2. it is appointed hovv the choice of Sheriffs and other publique Miniſters of Iuſtice ſhall be recommended to the King, and that the King hath the ſole appointing of them. And it is ſo ſetled by Act of Parliament the 37. *H.* 8. That ſuch nominations do and ſhall vvholy belong unto the King and his ſucceſſors, &c.

By theſe Animadverſions it vvill clearly appear, That the particulars vvhich are mentioned in the 57. and 58. pages of this Diſcourſe, are meerly uſurped and intruded upon by the Houſes, but *de jure* do ſolely and vvholy belong unto the King, or can have no life vvithout him; vvhich vvas thought fit rather to be added by this Appendix, then by inſerting them in the Diſcourſe it ſelfe, for not interrupting the Series thereof.